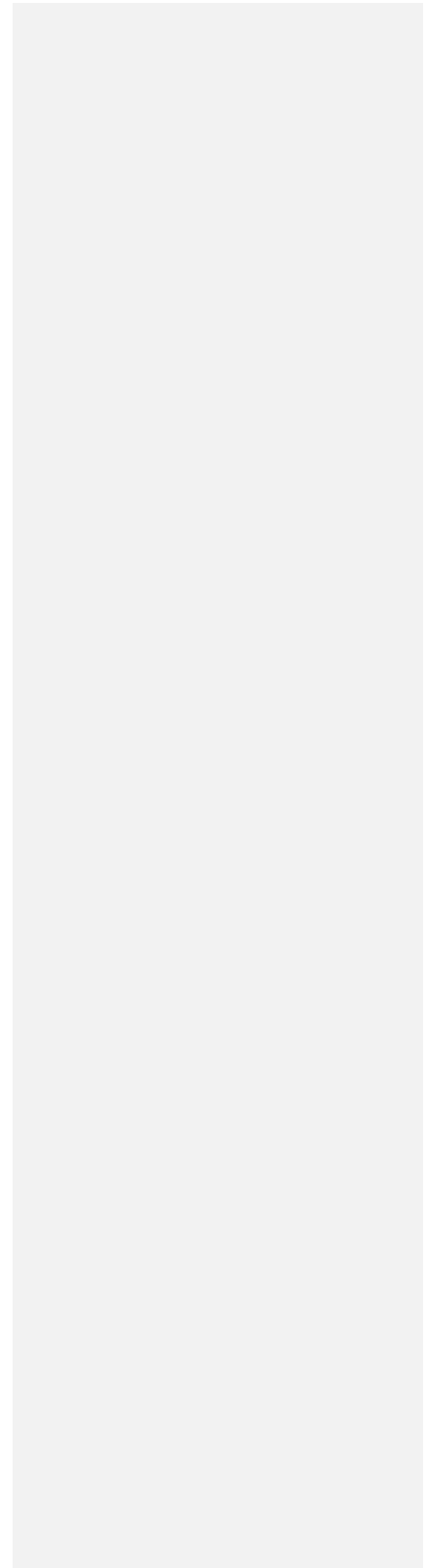


**Manhattan Beach, California**  
**Urban Forest Master Plan**  
**Recommendations for Revisions to Code,**  
**Standard Specifications,**  
**and Designs**  
**2015**



# City of Manhattan Beach

## Recommendations for Revisions to Code, Standard Specifications, and Designs

June 2015

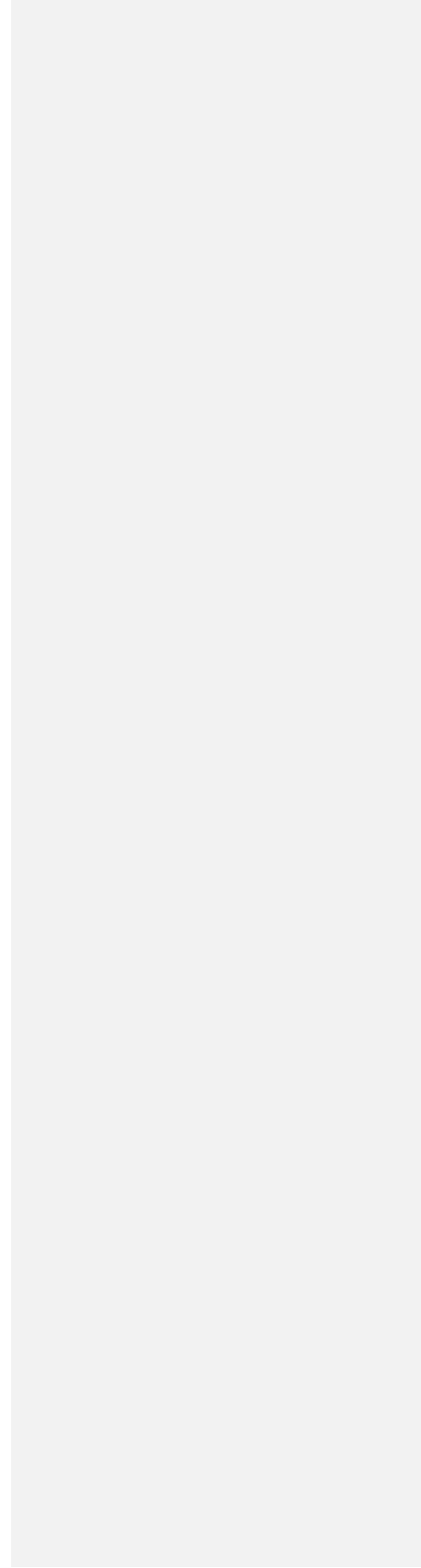
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## BACKGROUND

In 2015, the City of Manhattan Beach contracted with the Davey Resource Group (DRG) to develop an Urban Forest Master Plan to guide urban forestry policies and programming for the next 25 years. The UFMP was completed in June, 2015, and included recommendations to amend the City of Manhattan Beach Municipal Code, standard specifications, and details. The relevant code sections include:

- Chapter 7.32 – Tree, Shrub, and Plant Regulations
- Chapter 10.52.120– Residential Districts: Tree preservation and restoration in residential zones, Area Districts I and II

In surveys and public meetings, residents expressed confusion and frustration with the municipal code as it relates to trees. The revisions provided in this document, and associated outreach materials are intended to improve clarity and direction for both residents and City staff. These revisions will align City policies with the arboriculture industry's best management practices, and with the community vision for a safe and healthy tree resource with a focus on beauty, benefits, and sustainability.

Alternative designs can provide creative solutions to challenging sites where space for trees, infrastructure, and utilities can be limited by existing infrastructure. As trees mature, conflicts with hardscape, including sidewalks, roads, and driveways are common. In Manhattan Beach, residents are responsible for the cost of sidewalk repair adjacent to their properties, leading to concern that some repairs are temporary fixes, and that roots will continue to disrupt pavement in the future. These concerns may be alleviated by increasing the area of uncompacted soil below grade, appropriate species selection (i.e., right tree, right place), and judicious location of root barriers.

Based on the review of standard specifications, planting details, and code relevant to Manhattan Beach's community urban forest, and in consideration of current industry standards, DRG submits the following recommendations:

# RECOMMENDATIONS

## Chapter 7.32 TREE, SHRUB AND PLANT REGULATIONS

*This portion of Manhattan Beach's Municipal ordinance applies to trees in parkways, parks and at city facilities.*

### Sections:

#### 7.32.010 - Purpose.

Official tree, shrub and plant regulations for the City are hereby adopted and established to serve the public health, safety and general welfare. To that end the purposes of this chapter are specifically declared to be as follows:

- A. Improve general aesthetic values;
- B. Promote a healthy environment for residents and visitors;**
- B. Reduce traffic noise;
- C. Deflect glare and heat;
- D. Lower wind velocity;
- E. Purify air;
- E. Reduce stormwater runoff**
- F. Increase property values;
- G. Provide cooling shade and beauty;
- H. Provide for the proper selection of trees to minimize trouble in sewer and water mains, broken sidewalks, storm drains, etc.;
- I. Minimize interference with street and traffic lighting;
- J. Minimize the spread of disease to healthy trees;
- K. Minimize danger of falling trees and limbs onto streets, sidewalks and private property;
- ~~L. Minimize accumulation of leaves and debris which cause unnecessary labor in cleaning the sidewalks, streets and storm drains; and~~
- M. Select trees of longevity and suitable **suitability** to the environment.
- N. Reduce the amount of potable water used for landscape irrigation.

*(Amended by § 2, Ord. 2146, eff. August 4, 2011)*

### 7.32.020 - Definitions.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- A. "City" shall mean the City of Manhattan Beach.
- B. "Public Works Director" shall mean the Public Works Director of the City of Manhattan Beach or his authorized agent.
- C. "Street or highway" shall include all lands lying between the so-called property lines on either side of all public streets, roads, boulevards and alleys.
- D. "Street trees" shall mean trees or shrubs in public places along City streets, roads, boulevards, **rights-of-way, in parkways**, and alleys.
- E. "Trees and shrubs" shall include all woody vegetation now or hereafter growing, planted or to be planted on any public place or area.
- F. "Parkway" shall mean that portion of the street, or highway other than the roadway or sidewalk.
- G. "Public place or area" shall include all streets or highways, **right-of-ways, parks, and parkways**, within the City and all other properties owned by the City of Manhattan Beach.
- H. "Public Tree" shall include all trees growing in in a public place or area.

**Comment [RW1]:** I think it includes medians, or unimproved road edges maybe?

**Comment [TM2]:** Usually this is defined as the space between the curb and sidewalk?

### 7.32.030 - Enforcement.

The Public Works Director shall have jurisdiction and control of the kind and type of planting, setting out, location, trimming, maintenance and removal of all trees and shrubs on City property and public places, and the supervision **and management** of all trees planted or growing in such places.

### 7.32.040 - Permits.

- A. It shall be unlawful, and it is hereby prohibited for any person, firm, association, corporation or franchisee of the City to plant, move, remove, destroy, cut, trim, deface, injure, or replace any tree or shrub in, upon or along any public street or other public place of the City or to cause the same to be done without first obtaining a written permit from the Public Works Director. This permit shall specifically describe the work to be done.
- B. Application for a tree permit shall be made to the Public Works Director **at least five (5) days** in advance of the time the work is to be done. The work shall be done within thirty (30) days from the date the permit is issued unless otherwise stated.
- C. The Public Works Director shall inspect the work in progress and make a final inspection upon completion of the work.
- D. **Except in the event of an emergency, it** shall be unlawful and is hereby prohibited for any person, firm, corporation franchisee maintaining any overhead wires or pipes or underground conduits along or across any street, avenue, highway, park, parkway or public place within the City to have any tree or shrub trimmed or removed from any public place or area without first obtaining a written permit from the Public Works Director for the specific work to be done.
- E. The Public Works Director may issue a permit for the removal of a street tree where it is in nonconformance with the street tree plan, or has been classified as a public nuisance

**Comment [TM3]:** Does this provide adequate time for consideration by the City?

according to [Section 7.32.070](#), or is in such a condition as to present a threat to the maintenance of any overhead wires or pipes or underground conduits along or across any street.

F. A fee, established by the Council under separate resolution, shall be required for a permit to remove a tree. The fee shall be refunded in the event the property owner replaces the removed tree within ninety (90) days with an approved tree **from the Manhattan Beach Tree Palette, planted according to the established planting detail**. In the event the property owner does not replace the tree, the City will install a replacement tree, retain the fee, and bill the property owner for the balance of the actual cost.

*(§ 26, Ord. 1458, eff. June 17, 1976)*

**7.32.050 - Maintenance.**

A. It is hereby made the duty of all owners and persons having possession and control of real property within the City to cultivate and care for and provide complete maintenance of all trees, shrubs, lawns and ground covers now or hereafter planted or set out within any of the streets, avenues, highways and parkways adjacent to their real properties. This paragraph when applied to those certain residents and property owners designated in Manhattan Beach City Ordinance No. 916 shall not be construed to preclude access of vehicles for the planting, cutting, pruning, or removal of such trees, shrubs, lawns and ground covers provided that permission is first obtained from the Public Works Director for such access.

B. It shall be the duty of all owners and persons having possession or control of real property within the City promptly to notify the Public Works Director of any tree or shrub in a public area immediately adjacent to his property which is in such condition as to be a menace to public safety or dangerous to life or property.

**7.32.060 - Abuse or mutilation of trees.**

It shall be unlawful for any person to:

- A. Damage, cut, carve, etch, hew or engrave or injure the bark of any street tree;
- B. Allow any gaseous, liquid or solid substance harmful to trees to come in contact with any part of any street tree;
- C. Deposit, place, store or maintain upon any public area any stone, brick, concrete, or other materials which may impede the free passage of air, water and fertilizer to the roots of any tree or shrub growing therein, except by written permit of the Public Works Director;
- D. Except as may be authorized by the provisions of [Section 7.32.040](#), damage, tear up or destroy any plantings, grass, flowers, shrubs, or trees planted upon or in any public place or area in the City; and
- E. Paint, tack, paste, post or otherwise attach or place any advertisement, notice, card or announcement or any printed or written matter or any wire, board, platform or injurious material of any kind upon any tree or shrub situated in any public place or area in the City.

**7.32.070 - Public nuisance.**

The Council, pursuant to the power and authority vested in it to do so under the provisions of Sections 38771 and 38773 of the Government Code of the State, does hereby find and declare that any of the following is apt to cause injury or damage to persons or property, or constitutes a

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**Comment [RW4]:** No limitations to attaching lighting or wires to trees. Does the city want to regulate seasonal holiday lighting?



then present menace or threat to life or property, or constitutes and is a nuisance, and shall be subject to abatement as such by civil action or summarily as provided by law:

- A. Any dead, diseased, infested, leaning or dying trees on private property so near to any street as to constitute a danger to street trees, or streets, sidewalks, or portions thereof, or the life, health or safety of the public.
- B. Any tree, shrub or plant on any private property or in a parkway of a type of species apt to destroy, impair or otherwise interfere with any street improvement, sidewalk, curb, approved street tree, gutter, sewer or other public improvements including water utilities or services.
- C. Any tree or shrub or parts thereof growing upon private property but overhanging or interfering with the use of any street, parkway, sidewalk or public place of the City such that in the opinion of the Public Works Director endangers the life, health, safety or property of the public.
- D. The existence of any branches or foliage on private or public property which interferes with visibility on, or free use of, or access to any portion of any street improved for vehicular or pedestrian travel.
- E. Trees on public property which constitute a public nuisance shall be removed, replaced or trimmed at the expense of the adjoining property owner as ordered by the Director of Public Works. If a tree on public property is ordered replaced under this section, the City shall pay the cost of the replacement tree, as established by the Council under separate resolution.
- F. It shall be the duty of all owners and persons having possession and control of real property within the City to abate any public nuisances referred to in this section that occur on their real properties.
- G. The procedures for notice, service of notice, hearing, abatement and removal by the City, and collection of the cost of the work by tax lien as provided in [Section 9.64.030](#) through 9.64.130 of this Code shall be utilized. Said sections are incorporated herein by reference and made a part of this chapter.

*(as amended by § 1, Ord. 1247, eff. August 5, 1971; § 1, Ord. 1290, eff. August 4, 1972; § 27, Ord. 1458, eff. June 17, 1976)*

## 7.32.080 - General provisions.

A.

### **Species or Varieties of Street Trees:**

1. The Public Works Director shall prepare a list of street trees **Tree Species Palette** which may be planted in each of the parkway areas of the City, which list shall be available to the public to aid in the choice of trees to be planted. This list may be modified as experience indicates the desirability of such modification. The original list and any modifications thereto shall be approved by the Public Works Director.

B.

### **Planting of Street Trees:**

1. All planting should be in good horticultural practice as determined by the Public Works Director. **follow the established City of Manhattan Beach Tree Planting Detail.**

2. All planting on unpaved streets without curb must have the special permission of the Public Works Director who shall determine the tree's exact location so that it will not be injured or destroyed when the street is improved;

3. Spacing of trees shall be determined by the Public Works Director according to local conditions and species to be used, their mature height, spread and form; and

4. The recommended size shall normally be that designated as fifteen (15) gallon size (accepted trade sizing); the minimum size acceptable shall be a five (5) gallon size.

C.

### **Trimming and Removal:**

1. The property owner shall normally assume responsibility for ~~trimming, topping or dehorning, pruning, and removing trees growing on any public place or area.~~ **for tree maintenance, irrigation, and removal. Public trees must be pruned and maintained by qualified tree care professionals and in accordance with ANSI A300 standards for tree care operations as determined by the Public Works Director.**

2. Except as may be provided in subdivision (E) of [Section 7.32.070](#), the City will not remove a tree in the parkway adjoining any property unless such tree is a hazard to the street maintenance or other services of the City. Responsibility and expense of all other tree removals shall be borne by the requesting property owner, person, firm, association, corporation or franchisee.

D.

### **Spraying:**

1. Suitable precaution shall be taken to protect and warn the public that spraying is being done.

E.

**Landscaping and Irrigation:** For new public right-of-way or encroachment projects, and projects in the public right-of-way or on the adjoining private property over fifty percent (50%) in building valuation as defined by [Section 10.68.030](#)(E), planting and hardscape areas,

including all landscaping, patios, decks, and walkways (excluding driveways), shall be installed in accordance with the requirements of this section.

1.

High water use plants, as defined by the Water Use Classification of Landscape Species (WUCOLS) publication, may be installed as follows:

- a. Where potable water is used for irrigation, a maximum of twenty percent (20%) of the total planting and hardscape areas (defined above) may be high water use plants per Region 3 of WUCOLS. High water use plants shall be grouped together. Turf grass watered with a subterranean drip irrigation system, or turf grass that is not high water use, as determined by the Director of Community Development based on documentation submitted by the applicant, shall not be considered high water use plants; or
- b. Submission of design plans with calculations per WUCOLS Region 3 standards prepared by a landscape designer, licensed landscape architect or other qualified person.

Exceptions.

- i. Sites entirely irrigated by non-potable water.
- ii. Landscapes using low or medium water use plants as defined by Water Use Classification of Landscape Species (WUCOLS) publication.
- iii. Projects with no exterior site work, landscaping, hardscaping, or similar improvements.
- iv. Administrative exception for special circumstances or undue hardship as determined by the Director of Community Development.

2.

Irrigation systems shall be designed as follows:

- a. Provide an automatic controller.
- b. Drip, low volume or other water efficient system, shall be used in the 80% non-high water use landscaped area.
- c. High water use plants shall be on separate irrigation valve(s) from the non-high water use landscaped area.
- d. Projects shall comply with [Section 7.44.030](#), Permanent Water Conservation Requirements.

3.

Landscape and irrigation plans shall be prepared by a landscape designer, a licensed landscape architect or other qualified professional, and submitted to the Community Development Department for approval prior to issuance of a permit. No significant or substantive changes to the approved landscaping or irrigation plans shall be made without prior written approval by the Community Development Director and the landscape professional. Substantial changes shall require approval of the Planning Commission if this body granted approval of the original project.

4.

**Comment [TM5]:** This section may require revision to remain in accordance with pending state regulations and policies for water conservation (MWEL0). The City should consider existing regulations when actual revision to the ordinance is anticipated.

Evidence of completion of approved landscaping and irrigation shall be provided to the Community Development Department prior to issuance of an occupancy permit or permit final, unless an extension is granted by the Director with due cause.

*(Amended by § 2, Ord. 2146, eff. August 4, 2011)*

#### **7.32.090 - Street tree planting guide.**

Those street trees now existing may remain until ~~by old age or other reasons~~ they are removed for reasons approved by the Public Works Director. When any new street tree is planted it shall conform to the ~~street tree planting guide~~ established City of Manhattan Beach Tree Planting Detail, and be an appropriate species from the Tree Species Palette, referred to in subdivision (A)(1) of [Section 7.32.080](#).

#### **7.32.100 - Protection of trees.**

The Public Works Director will establish Tree Protection During Construction Guidelines including fencing, signage, and irrigation requirements.

During the erection, repair, alteration or removal of any building, house, structure or street in the City, any person, firm, association, corporation or franchisee in charge of such work shall protect any tree, shrub or plant in any street, park, boulevard, or public place in the vicinity of such building or structure with sufficient guards or protectors as shall prevent injury to said tree, shrub or plant arising out of or by reason of said erection, repair, alteration or removal, and shall be held responsible if the Public Works Director determines that this protection has not been provided. Tree protection will follow the established Tree Protection During Construction Guidelines

*(§ 3, Ord. 1202, eff. February 19, 1970)*

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## 10.52.120 - Tree preservation and restoration in residential zones, Area Districts I and II.

A.

**Purpose.** Tree preservation is necessary for the health and welfare of the citizens of the City of Manhattan Beach in order to provide cooling shade and beauty, increase property values, minimize spread of disease to healthy trees, conserve scenic beauty, prevent erosion of topsoil, protect against flood hazards, counteract pollutants in the air, and generally maintain the climatic and ecological balance of the area.

These regulations strive to preserve and enhance the existing healthy tree canopies on individual residential properties as well as the overall neighborhood, in order to maintain the neighborhood character, while allowing flexibility for removal of existing trees that may be inappropriate for an area or causing damage. The intent is to enhance the future tree canopy of the City, striving to provide the right trees in the right locations.

The intent of this section is also the reasonable retention and preservation of healthy trees while considering and balancing the reasonable enjoyment of private property. The design of residences, including grading, driveways, walkways, patios, utilities and right-of-way improvements, shall consider and accommodate existing healthy protected trees, as reasonably feasible.

The purpose of the Tree Trimmers Permit is to provide standards so that trees are pruned properly in order to protect the City's tree canopy and to provide residents with a list of permitted Tree Trimmers.

B.

### General Requirements.

1. Except as provided in subsection I (Exemptions), no person shall directly or indirectly remove or cause to be removed, or relocate any protected tree as herein defined, from residentially zoned properties within Area Districts I and II, according to the City of Manhattan Beach Zoning Designations without first obtaining a permit to do so in accordance with the procedures set forth in this section.

2. No person shall directly or indirectly neglect, abuse, damage, mutilate, injure or harm any protected tree as herein defined, from residentially zoned properties within Area Districts I and II.

C.

### Definitions.

1. "Protected tree" shall include: any species of tree, (excluding deciduous fruit-bearing trees and Washingtonia species palms) the trunk of which is located at least partially within the required front yard or streetside yard (on corner lots) of a site, with a trunk diameter of twelve inches (12") or greater or multiple trunks totaling twelve inches (12") in diameter or greater at a height of four and one-half feet (4.5') from existing grade; and any replacement tree required pursuant to this section.

2. A "tree permit" is a permit required for the removal, relocation or replacement of a protected tree.

**Comment [RW6]:** Do they mean edible fruit bearing? Their tree palette is mostly angiosperms.

**Comment [TM7]:** Where is this defined? Cite the ordinance where it's defined or define again here .

3. A "tree plan" shall mean a plot plan (scale 1/8 inch = 1 foot, minimally) with all trees on the subject property identified by location, size and species, including:

- a. Footprint of all existing and proposed buildings and/or additions to buildings on the property;
- b. Location of all trees within the front and streetside yards, in the adjacent public right-of-way and on adjacent properties within ten feet (10') of the subject property adjacent to the front and streetside yards;
- c. Size (diameter and height) and species of each tree;
- d. Location of drip line for each tree;
- e. Designation of tree(s) to be removed, saved, relocated and/or replaced;
- f. Proposed location, size and type of replacement tree(s);
- g. Photos of all trees in front and streetside yards.

D.

#### Preservation of Trees During Grading and Construction Operations.

1. All protected trees, as defined above, shall be preserved and protected, and may only be removed or relocated with prior approval of a Tree Permit provided they are replaced or relocated in accordance with the provisions of this section.

2. Trees required to be retained shall be protected during demolition, grading, and construction operations by methods outlined in the Tree Protection During Construction Guidelines subject to the approval of the Community Development Director.

3. Care shall be exercised for trees to be preserved so that no damage occurs to said trees. Advisory sign(s) that identify the tree protection requirements shall be clearly posted on the site. All construction shall preserve and protect the health of trees:

- a. Remaining in place;
- b. Being relocated;
- c. Planted to replace those removed;
- d. Adjacent to the subject property.

4. Any tree which is adjacent to the subject property and may be potentially impacted by construction activity on the subject property shall be protected pursuant to the provisions of this chapter.

5. No grading or construction, including structures, paving, and walls, that disrupts the root system on private as well as public property, shall be permitted without prior approval by the Community Development Director. As a guideline, no cutting of roots over two inches (2") in diameter should occur within the drip line of the tree as measured at ground level. Where some root removal is necessary as approved by the City the tree crown may require thinning to prevent wind damage.

6. Required public right-of-way improvements shall take priority over tree preservation, however alternative designs and materials, including but not limited to modified

**Comment [TM8]:** Does the City want to require an arborist report for protected trees that are designated for removal/relocation?

**Comment [TM9]:** Make consistent

**Comment [RW10]:** Sometimes this is defined by root protection zone. Earlier defined as within 10' of subject property

**Comment [TM11]:** Ruth, I believe there is an ANSI standard and BMPs for tree protection on construction sites. . . . Part 5. This should be reference for application in this ordinance.

**Comment [RW12]:** Check current ISA BMP.

dimensions, permeable surfaces and planter areas with irrigation, shall be considered and implemented, as feasible.

7. Relocation of protected trees shall only be allowed if the Community Development Director determines that the relocation will not be detrimental to the health of the tree or to other protected trees.

8. No fill material shall be placed within the drip line of any tree.

9. The Community Development Department may impose special measures determined necessary to preserve and protect the health of trees to remain on site.

E.

**Tree Permit Applications—Without Building Permit.**

1. Any person desiring to remove or relocate one (1) or more protected trees shall obtain a Tree Permit from the Community Development Department. A fee, as specified in the City's Fee Resolution, shall be required for a Tree Permit.

2. Tree Permit applications shall include a Tree Plan, and written proof of neighbor notification pursuant to applicable permit instructions and may also include an arborist's report.

3. A bond, cash deposit or other financial security, may be required to ensure required replacement trees are planted and/or that existing protected trees are properly protected, as determined to be appropriate by the Community Development Director.

4. The Community Development Director, when approving Tree Permits, shall determine the adequacy and appropriateness of the submitted plan, neighbor input, and other related information.

F.

**Tree Permit—With Building Permit.**

1. Application for a Building Permit shall require a Tree Permit/Acknowledgement and Plan as defined above, if protected trees are located on the property.

2. A Tree Permit shall be required if the proposed project may impact existing trees in the front or streetside yard of the subject property even though removal is not planned.

3. A fee, as specified in the City's Fee Resolution, shall be required for a Tree Permit.

4. A bond, cash deposit or other financial security, may be required to ensure required replacement trees are planted and/or that existing protected trees are properly protected, as determined to be appropriate by the Community Development Director.

5.

Any new residential construction project in Area Districts I and II which exceeds fifty percent (50%) valuation (total estimated cost of reconstructing the entire structure as defined by [Section 10.68.030](#) of this Code) shall be required to plant a minimum of one (1) new thirty-six inch (36") box tree, unless the Director of Community Development determines that it is inappropriate to require additional tree(s) on the property.

G.

**Comment [TM13]:** Yes, there should be a provision to pay in-lieu fees where a suitable replacement tree(s) cannot be relocated on the site. This can be paid to a Tree Mitigation Fund and/or the General Fund depending on the frequency of occurrence.

**Tree Removal Permit Process.** A Tree Permit application is required for the removal and replacement of protected trees.

**1. Criteria and Findings.** In making a determination to approve a Tree Removal Permit application, the Director of Community Development shall require that the following criteria be met:

- a. A finding shall be made that the application is consistent with the Purpose portion of this Section.
- b. The age, species, history, and location of the tree in relationship to other trees, and existing and proposed surrounding structures, utilities and other improvements, shall be considered.
- c. At least one (1) of the following criteria shall be met:
  - i. The tree is dead, or
  - ii. The tree is a health or safety hazard, or is structurally unstable, or
  - iii. The tree is dying or in marginal condition and reasonable alternatives to preserve or rejuvenate the tree have been implemented unsuccessfully or have been analyzed, and are not feasible, or
  - iv. Residential buildings shall take priority over tree preservation, however alternative designs and materials, shall be considered and implemented, as feasible, with the proposed overall design of the project, or
  - v. The tree is causing or will cause in the near future, significant damage to public or private property, which creates a liability, health or safety concern, and cannot reasonably be repaired, maintained or corrected. Trees causing damage to sewers, water lines or other similar private underground utilities, in itself shall not be considered to meet the criteria for removal and replacement, or
  - vi. The tree is obstructing protected solar access as regulated by California State law, Solar Shade Control Act, Public Resources Code 25980-25986, and the tree cannot be reasonably pruned or maintained in accordance with the State requirements.

**2. Arborist Report and Documentation.** The Director may require the applicant to submit a report from an ISA certified arborist or other horticultural professional, and/or historical or other support documentation in order to substantiate that the required criteria and findings have been met. The City arborist and/or other City staff may review the information. All costs shall be the responsibility of the applicant.

**3. Third Party Arborist.** If the applicant's arborist or other horticultural professional is not in agreement with the findings of the City arborist or staff a third party ISA certified arborist, agreed to by the applicant and the City, may be contracted to mediate the situation. The cost of this third party arborist shall be shared between the applicant and the City.

**H. Replacement Trees.** Required replacement trees shall be minimum thirty-six inch (36") box trees for each protected tree removed of an appropriate species and must be planted within ninety (90) days after the removal of the tree, or prior to issuance of a building permit

**Comment [RW14]:** This person currently does not exist?

**Comment [TM15]:** Make sure this title is consistent with the position identified in the UFMP.

**Comment [RW16]:** Very large.



final. Actual sizes, species, location, and quantities of replacement trees are subject to Community Development Director approval. The City street tree list may be used as a guideline by the Director in determining appropriate replacement tree(s). A combination of protected and replacement tree quantities shall not result in less than one (1) protected tree per lot or thirty feet (30') of site frontage. If the Director of Community Development determines that there is not adequate room on the property for replacement tree(s) due to the number of existing trees to remain, then the requirement for replacement trees may be modified or waived.

I. **Exemptions.** Tree removals and alterations exempt from the requirements of this section are as follows:

1. Removal in case of imminent emergency caused by the hazardous or dangerous condition of a tree, requiring immediate action for the safety of life or property (e.g., a tree about to topple onto a dwelling due to heavy wind velocities) with the prior approval of the Director of Community Development or his or her designee if a subsequent application for a Tree Permit is filed within five (5) working days.
2. Removal of any tree that is determined to be a public nuisance in accordance with [Section 7.32.070](#), with prior approval of the Directors of Community Development and Public Works or his or her designee if a subsequent application for a Tree Permit is filed within five (5) working days.
3. Removal of deciduous fruit-bearing trees, *Washingtonia robusta*, or *Washingtonia filifera*.
4. Public utility actions, under the jurisdiction of the Public Utilities Commission of the State of California, as may be necessary to comply with their safety regulations, or to maintain the safe operation of the facilities.
5. Cutting of tree branches and roots extending across property lines into adjacent property, to the extent that the pruning complies with the American National Standards Institute (ANSI A300) standards and does not damage or potentially damage the health and structure of the tree(s).
6. Cutting of tree branches and roots to the extent that the pruning complies with the American National Standards Institute (ANSI A300) requirements and does not damage or potentially damage the health and structure of the tree(s).

J.

**Tree Trimmers Permit.**

1. **Permit Requirements.** Any person pruning any private property protected tree in the City must have a Tree Trimmers Permit. Residents are responsible for hiring City licensed Tree Trimmers. Residents pruning their own trees are exempt from obtaining a Tree Trimmers Permit but must still comply with the ANSI A300 standards.

2. **Standards.**

a. **All Tree Trimmers and Residents.** Protected trees must be pruned in accordance with ANSI A300 pruning standards, which include, but are not limited to, the following standards:

- i. Generally no more than twenty-five percent (25%) of living foliage should be removed annually, and
- ii. Topping of trees is generally prohibited.

b. **All Tree Trimmers.** The following standards must also be met when pruning protected trees:

All trimming, pruning, and other maintenance of a protected tree shall be completed and/or directly supervised by an ISA Certified Arborist or ISA Certified Tree Worker

- i. A notice provided by the City shall be posted on the site, in accordance with the requirements stated in the Tree Trimmers Permit.
- ii. The State of California may require contractor's to have one (1) of the following licenses if the total cost of the job exceeds a dollar value established by the State:
  - aa. C27—Landscaping Contractor, or
  - bb. C61—Limited Specialty Classification and D49 Tree Service.

K.

**Non-liability of City.** Nothing in this section shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any private property shall have a duty to keep the trees upon the property and under his control in a safe and healthy condition.

L.

**Violation/Penalties.** Violation of this chapter shall be punishable as a misdemeanor or an infraction subject to the discretion of the City Prosecutor with the following additional penalties:

1. **Suspension, Revocation and Restoration.** In addition to any other penalties allowed by this Code, the Director of Community Development may suspend any Tree Permit. The Planning Commission or City Council may suspend the Tree Permit for a Discretionary Project upon a finding at a public hearing that a violation of conditions of approval has occurred.

2. **Stop Work Orders.** Whenever any construction or work is being performed contrary to the provisions of this section or condition of approval of the applicable discretionary project the Director of Community Development may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation and the risk to the trees. No work shall be allowed until the violation has been rectified and approved by the Director of Community Development.

3. **After-the-Fact Permit Fees.** The standard permit fee shall be doubled for tree removals or other work requiring a Tree Permit pursuant to this section when commenced prior to issuance of said permit.

M.

**Administrative Fines.** The Director of Community Development may impose a fine against any person who is in violation of any provision of this section. Such fine shall be a range as specified in the City Fee Resolution. The proceeds of all administrative fines imposed under this section shall be placed in a "Tree Canopy Restoration Fund" to be used solely for the replacement and maintenance of trees in the public right-of-way or on public property within the City.

1. Any person upon whom a fine is considered to be imposed pursuant to this section shall be entitled to a written notice of the pending decision of the imposition of the fine within ten (10) calendar days of the decision of the imposition of the fine. The notice shall state the amount of the fine, the reason for the proposed imposition of the fine and the authority for imposing the fine. The notice shall also state that the person upon whom the fine is proposed to be imposed has a right to request a hearing to protest the proposed decision of imposition of the fine and the time and method by which a hearing may be requested.
2. Any person upon whom a fine authorized by this section is proposed to be imposed may request, in writing, a hearing to protest the proposed fine. The request must be filed with the City Clerk within ten (10) calendar days from the mailing date of the notice of the proposed fine. The failure to timely file a written request for a hearing shall constitute a waiver of the right to a hearing.
3. Upon timely receipt of a request for a hearing, the City shall, within ten (10) calendar days of receipt of such a request hold a hearing to be presided over by the Director of Community Development or his or her designee. This presiding officer shall determine the procedure and rules for the conduct of the hearing. The ruling of the presiding officer, notwithstanding any other provision of this Code shall be final.
4. If the Director determines that a fine is due, and the fine imposed by this section is not paid within fifteen (15) calendar days of its becoming due and payable the City may file a lien in the amount of the fine plus interest at the legal rate, which may be recorded on any property owned by the individual subject to the fine which is located in the City.
5. In the event that a civil action is filed regarding any provision of this subsection M, the City shall be entitled to attorney fees if it prevails.

N.

**Effective date—Appeals.** Unless appealed in accordance with [Chapter 10.100](#), a Tree Permit decision shall become effective after expiration of the time limits for appeal set forth in [Section 10.100.030](#)

*(Ord. No. 1884, Enacted August 19, 1993; § 2, Ord. 2045, eff. May 6, 2003, as amended by § 2, Ord. 2082, eff. March 21, 2006; §§ 2—9, Ord. 2121, eff. April 3, 2009)*