

**Agoura Hills Municipal Code
(Excerpts)**

Article XI: ZONING

Part 2: SPECIAL REGULATIONS

Division 7: OAK TREE PRESERVATION GUIDELINES

9657. Oak tree preservation regulations; purpose.

The city lies in the County of Los Angeles in the Conejo Valley, the beauty of which is greatly enhanced by the presence of large numbers of majestic oak trees. At one time, the area was almost completely covered by an oak forest; however, development of the city has resulted in the removal of a great number of these trees. Further, uncontrolled and indiscriminate destruction of oak trees would detrimentally affect the safety and welfare of the citizens of Agoura Hills.

The purpose of these sections is to protect and preserve oak trees in recognition of their historical, aesthetic and environmental value to the citizens of Agoura Hills, present and future, and to provide regulatory measures designed to accomplish this purpose.

The following sections set forth the policy of the city to require the preservation of all healthy oak trees unless compelling reasons justify the removal, cutting, pruning and/or encroachment into the protected zone of an oak tree. Such sections are subject to all other applicable ordinances, and the oak tree preservation guidelines adopted by the city council [and set out in Appendix A to this article].

9657.1. Oak tree preservation.

No person, partnership, firm, corporation, government agency, or other legal entity shall cut, prune, remove, relocate, endanger or damage any tree protected by this section on any public or private land located within the incorporated areas of the City of Agoura Hills except in accordance with the conditions of a valid oak tree permit issued by the department of planning and community development or the planning commission pursuant to the provisions of section 9657 through 9657.5.

9657.2. Oak tree policy.

It shall be the policy of the City of Agoura Hills to require the preservation of all healthy oak trees unless compelling reasons justify the removal of such trees. This policy shall apply to the removal, pruning, cutting and/or the encroachment into the protected zone of oak trees. The department of planning and community development shall have the primary and overall responsibility to administer, evaluate and monitor this policy.

9657.3. Nonliability of city.

Nothing in these sections shall be deemed to impose any liability upon the City of Agoura Hills or upon any of its officers or employees, or agents, nor to relieve the owner and occupant of any private property from the duty to keep oak trees upon such property or under his control, in a safe condition.

9657.4. Exemptions.

The provisions of section 9657.1 shall not apply to the following:

- A. Emergencies. In cases of emergencies, including but not limited to, thunderstorms, windstorms, floods or other natural disasters, or potential safety hazards, the requirements of section 9657.1 may be waived as follows: If upon a visual inspection, an oak tree is determined to be in a hazardous or dangerous condition, any member of law enforcement or a law enforcement agency or the Los Angeles County fire department may order or allow the removal of a protected tree. Prior notice to the department of planning and community development shall be provided, if possible. Subsequent to the emergency action, written notification shall be provided to the department of planning and community development describing the action taken and the nature of the emergency.
- B. Routine maintenance as defined in the oak tree preservation guidelines.
- C. Oak trees planted, grown and/or held for sale by licensed nurseries or the removal or transplanting of same pursuant to, and as a part of, the operation of a licensed nursery business. This exemption is limited to trees with main trunks under ten (10) inches in diameter.
- D. When removal is determined necessary by fire department personnel actively engaged in fighting a fire.

9657.5. Oak tree permit.

Except as otherwise provided in section 9657.4, no person shall cut, prune, remove, endanger or encroach into the protected zone or relocate any oak tree on any public or private property within the city unless a valid oak tree permit has been issued from the director of planning and community development or the planning commission pursuant to the provisions of these sections and the oak tree preservation guidelines, by filing the proper form and paying the appropriate fee. The accuracy of all required information submitted shall be the responsibility of the applicant.

- A. **Administrative approvals.** The department of planning and community development has jurisdiction to approve a request for the removal of one (1) oak tree on a single parcel. Except for dead trees, subsequent requests for the removal of trees beyond the number of one (1) on a single parcel of record will be referred to the planning commission for review and approval.
- B. **Planning commission approval.** When two (2) or more trees are being requested for removal on an original application, the case will be referred to the planning commission.
- C. **Oak tree permit approval process.** The director of planning and community development or the planning commission may approve an oak tree permit when one (1) of the following findings can be made, after city inspection of the tree and property.
 - 1. The condition or location of the protected trees requires cutting or pruning to maintain or remedy its health, balance or structure.
 - 2. The condition of the tree(s) with respect to disease, danger of falling, proximity to existing structures, high pedestrian traffic areas such as parking lots, pedestrian walkways or interference with utility services cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices.

3. It is necessary to remove, relocate, prune, cut or encroach into the protected zone of an oak tree when, after a determination by the planning commission or director, it is found that the continued existence totally prevents the development of the subject property. An oak tree permit shall not be granted pursuant to this subparagraph 3 unless all the following additional findings are made:

- a. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees on the subject property;
- b. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
- c. That the removal or relocation of the oak tree(s) proposed is necessary because the continued existence at present location(s) prevents the planned improvement or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive; or that the placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized; or that the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s).

If the applicant has met the above criteria, an oak tree permit may be issued subject to the following limitations:

- (a) Not more than ten (10) percent of the total estimated tree canopy or root structure of all trees on the subject property has been requested to be removed.
- (b) In certain exceptional cases, the removal of up to twenty (20) percent of the total tree's canopy or root system may be removed. However, such approval is predicated upon the recommendation of the city's oak tree preservation consultant stating that the viability of the oak tree will not be adversely affected.
- (c) In no case shall less than four (4) native oaks be provided for any oak tree removed or relocated.

D. **Conditions on removal.** Conditions may be imposed on the permit at the discretion of the decisionmaker, including but not limited to, any of the following:

1. A condition requiring the replacement or placement of additional trees on the subject property to offset the impacts associated with the loss of a tree or its limbs or encroachment into the protected zone of an oak tree;
2. The relocating of trees on-site or off-site, or the planting of a new tree off-site to offset the loss of a tree;
3. A condition requiring an objectively observable maintenance and care program to be initiated to insure the continued health and care of oak tree(s) on the property;
4. Payment of a fee or donation of a potted tree to the city or other public agency to be used elsewhere in the city should a suitable replacement location for a tree not be possible on-site or off-site.

E. **Oak tree report.** The director shall cause, at the applicant's expense, the preparation of an oak tree report by a city-approved oak tree consultant.

F. **Oak tree preservation guidelines.** In granting an oak tree permit, the director of planning and community development or the planning commission shall require the permit to comply with provisions of the adopted "Oak Tree Preservation Guidelines" and may impose such conditions necessary to carry out the intent of this article and said guidelines. However, in no case shall less than four (4) native oaks be provided for any oak tree removed or relocated.

G. **Notice of permit decision.** Upon completion of the processing of an oak tree permit, the director of planning and community development or the planning commission may approve, conditionally approve or deny the application for an oak tree permit and notice of such decision shall be mailed to the applicant, city council, and planning commission.

H. **Appeals.** Within twenty (20) calendar days of the notice of decision, the applicant, city council, or planning commission may appeal the decision of the director of planning and community development to the planning commission or the decision of the planning commission to the city council.

I. **Enforcement.**

1. **Additional remedies.** Any person who cuts, damages, moves, or removes any oak tree within the city or encroaches into the drip line of an oak tree in violation of this chapter shall be subject to the following remedies in addition to any penalties provided by the Municipal Code:

(a) A suspension of any building permits until all mitigation measures specified by the city are satisfactorily completed.

(b) Completion of all mitigation measures as established by the city.

2. **Restitution.** It has been determined that the oak trees within the city are valuable assets to the citizens of this community and to the citizens of the County of Los Angeles and as a result of the loss or damage to any of these trees, the public should be recompensed.

Any person violating the provisions this chapter shall be responsible for proper restitution and may be required to replace the oak tree(s) so removed or damaged, by the donation of or by replanting two (2) or more oak trees of reasonable equivalent size and value to the tree damaged or removed. The number, size and location of said equivalent replacement oak trees shall be determined by the director of planning and community development.

The value shall be established as provided in the tree evaluation formula, as prepared by the Council of Tree and Landscape Appraisers.



Appendix A OAK TREE PRESERVATION GUIDELINES*

***Editor's note:** At the request of the city, Appendix A, Oak Tree Preservation Guidelines, has been set out at length herein. It should be noted however, that Attachment I, oak tree care and maintenance has been omitted from publication until the updated revision thereof is available. Words enclosed in brackets [] have been added by the editor for clarity.

I. Purpose.

The city lies in the County of Los Angeles in the Conejo Valley, the beauty of which is greatly enhanced by the presence of large numbers of majestic oak trees. At one time, the area was almost completely covered by an oak forest, however, development of the city has resulted in the removal of a great number of these trees. Further, uncontrolled and indiscriminate destruction of oak trees would detrimentally affect the safety and welfare of the citizens of Agoura Hills.

The purpose of these sections is to protect and preserve oak trees in recognition of their historical, aesthetic and environmental value to the citizens of Agoura Hills, present and future, and to provide regulatory measures designed to accomplish this purpose.

No person, partnership, firm, corporation, government agency, or other legal entity shall cut, prune, remove, relocate, endanger or damage any tree protected by this section [appendix] on any public or private land located within the incorporated areas of the City of Agoura Hills except in accordance with the conditions of a valid oak tree permit issued by the department of planning and community development or the planning commission pursuant to the provisions of sections 9657 through 9657.5 of the city zoning ordinance.

It shall be the policy of the City of Agoura Hills to require the preservation of all oak trees unless compelling reasons justify the removal of such trees. This policy shall apply to the removal, pruning, cutting and/or the encroachment into the protected zone of oak trees. The department of planning and community development shall have the primary and overall responsibility to administer, evaluate and monitor this policy.

Cross references: Similar provisions set out in §§ 9657--9657.2.

II. Definitions.

For purposes of this resolution [appendix], unless otherwise apparent from the context, certain words and phrases used in this resolution [appendix] are defined in this section.

A. **Certification letter.** A letter certifying that the work was performed under the general or direct supervision of an oak tree preservation consultant and that said work fully complies with the conditions of the development permit, the oak tree report or these oak tree preservation guidelines, as appropriate.

B. **Compensatory pruning.** That certain amount of pruning necessary to be performed to reinstate the proper rootleaf equilibrium.

C. **Cutting.** The detaching or separating, either partial or whole, from a protected tree, any part of the tree including, but not limited to, leaves, limb, branch or root. Cutting shall include pruning.

D. **Dead tree.** A tree that does not contain any live tissue; i.e., green leaves or live limbs. Since valley oaks (*Quercus Lobata*) are deciduous trees and are dormant in the winter, their status must be confirmed by the city's oak tree consultant before being declared dead.

- E. **Deadwood.** Limbs or branches that contain no green leaves or live limbs.
- F. **Deadwooding.** The process of trimming an oak tree of its deadwood.
- G. **Dripline.** An imaginary line drawn upon the ground at the furthest extension of the canopy around the circumference of the tree.
- H. **Encroachment.** Any intrusion into the protected zone of an oak tree; i.e., pruning, grading, excavating, trenching, etc. (Refer to definition of "Protected Zone" in section II.R.)
- I. **Fine grading permit.** An entitlement from the city authorizing certain grading work that must be conducted within the protected zone of an oak tree, and allows proper drainage to occur as required by the Agoura Hills Municipal Code.
- J. **Ground plane improvements.** Improvements that do not significantly disturb the soil within the protected zone of an oak tree.
- K. **Oak tree.** Any oak tree of the Genus Quercus including, but not limited to, Valley Oak (*Quercus Lobata*), California Live Oak (*Quercus Agrifolia*) and Scrub Oak (*Quercus Dumosa*) regardless of size. The definition of oak tree shall include "protected tree".
- L. **Oak tree consultant.** An individual or firm with a degree or extensive experience in landscape architecture, including a great deal of experience in monitoring and maintaining the health of oak trees.
- M. **Oak tree information packet.** A packet containing certain documents distributed to property owners whose lots contain oak trees.
- N. **Oak tree permit.** An entitlement from the city authorizing specific work to be performed within the protected zone of an oak tree.
- O. **Oak tree report.** A report prepared by an oak tree consultant containing specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one (1) or more oak trees on an individual lot or project site.
- P. **Person.** Any natural person, partnership, firm, corporation, governmental agency or other legal entity.
- Q. **Pre-application conference.** A meeting between the developer and appropriate city representatives for the purpose of discussing the requirements for submitting an application for an oak tree permit.
- R. **Pre-construction conference.** A meeting with the developer, contractors, superintendent, engineers, oak tree consultants, and city representative [to] delineate special procedures, limits of work, lines of authority and special conditions or procedures not specifically covered by any ordinance.
- S. **Protected tree.** Shall mean the same as oak tree (see definition of "oak tree" in section II.K.).
- T. **Protected zone.** Using the dripline as a point of reference, the protected zone shall commence at a point five (5) feet outside of the dripline and extend inwards to the trunk of the tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of an oak tree.

[Note--See the illustration following these definitions.]

U. **Pruning.** Any and all cutting performed upon the roots or the limbs of an oak tree.

V. **Removal.** The physical removal of a tree or causing of the death of a tree through damaging, poisoning or other direct or indirect action. Trees approved for transplanting which subsequently die shall be considered as removals.

W. **Routine maintenance.** Actions taken for the continued health of an oak tree and including but not limited to:

Deadwooding, insect spraying and watering. An oak tree permit is not required to perform routine maintenance.

GRAPHIC LINK (not available): PROTECTED ZONE ILLUSTRATION

III. Oak tree permit--Processing procedures.

Any person desiring to remove, cut branches (except for removing deadwood), and/or pursue any activity which has the potential to damage a protected oak tree must first obtain an oak tree permit from the department of planning and community development. Actions which have the potential to damage a tree include, but are not limited to, trenching, excavating or paving within the protected zone of a tree or at least fifteen (15) feet from the trunk, whichever distance is greater. The processing of applications for oak tree permits will employ the procedures outlined below. These steps have been developed to ensure efficient and consistent handling of permit requests. Some of the actions which have the potential to damage a tree include, but are not limited to, grading and/or grubbing, trenching, excavation, pruning, and paving.

[1.] **Step One: Pre-application conference.** The purpose of this meeting is to familiarize the applicant with the city's permit process, to identify the information and materials necessary to file an application for an oak tree permit, and to discuss applicable policies and procedures relative to the project. A pre-application conference may be arranged by calling the department of planning and community development.

[2.] **Step Two: Formal application.** Once the applicant has completed all application forms and prepared all of the information identified during the pre-application conference, the applicant may formally submit the project application.

Fees:

1. New construction. The following fees will be charged in conjunction with the application.

1.1. Staff Review--As established by council resolution.

1.2. Planning Commission Review--As established by council resolution.

2. Existing construction. The following fees apply equally to commercial and residential properties.

2.1. Dead or hazardous oak trees (removals)--A flat fee, as established by council resolution, per tree will be charged. However, the fee shall be waived or refunded, if upon staff inspection, the tree is declared dead or hazardous. If, after staff inspection, it is determined that the services of the city's oak tree consultant are required to make a final determination, the fee shall be retained by the city to cover costs of said services.

[3.] **Step Three: Application review.** On receipt of an application for an oak tree permit, the department of planning and community development shall review the application for accuracy and completeness and make an inspection of the project site.

In those situations requiring expert review, the application will be reviewed by the city's oak tree consultant. Those situations requiring consultant review include, but are not limited to, projects involving significant numbers of protected trees, projects involving development activities in the immediate vicinity of protected trees, and/or projects where physical protective measures may be required for the continued health of the remaining trees.

Upon completion of application review and on-site inspections, the city's oak tree consultant shall submit a written report to the department of planning and community [development] outlining the findings and recommendations. Normally, this will occur within ten (10) working days of receipt of the application materials from the city.

[4.] **Step Four: Findings for approval.** After receiving all of the required information, the request may be approved when one of the following findings can be made.

1. The condition of the protected tree(s) requires cutting to preserve its health or maintain its balance.
2. The condition of the protected tree(s) general health with respect to the perceived danger of falling over or dropping limbs and its proximity to: existing structures, high pedestrian areas such as roadways, pedestrian walkways, parking lots or interference with public utility lines cannot be controlled or remedied through reasonable preservation and/or preventive measures.
3. The approval of this request will not be contrary to or in conflict with the general purpose and intent of the oak tree ordinance.
4. In evaluating requests for removal or encroachments based on the reasonable and conforming use section, the city shall take into consideration: comparison of proposed building(s) gross floor area and other on-site design features with other conforming developments in the same vicinity and zone, and any other factors that are unique to the property such as topographic constraints and other physical limitations. The applicant shall be responsible for submitting adequate information to demonstrate that reasonable and conforming use cannot be made of the subject property without removal(s) or encroachment(s) into the protected zone of an oak tree.

[5.] **Step Five: Appeals.** Pursuant to section 9657.5.H of the oak tree preservation regulations under the city's zoning ordinance, the decision of the director of planning and community development may be appealed to the planning commission upon filing of the proper form and payment of appropriate fees. The decision of the planning commission may be appealed to the city council and any decision by the city council shall become final and effective upon its adoption.

IV. Oak tree permit--Application requirements.

The materials required to complete an application are described below. The department of planning and community development may waive the filing of one (1) or more of the items listed when deemed unnecessary to process the application. However, additional information may be required when determined necessary for permit processing.

The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

A. **Permit required.** There shall be no removal of or encroachment into the protected zone of an oak tree larger than two (2) inches in diameter when measured at a point three and five-tenths (3.5) feet above the tree's natural grade without first obtaining an oak tree permit.

B. **Application form.** Application shall be made on the standard application form supplied by the department of planning and community development and is included in this packet [appendix] as Attachment "A". The signature of the property owner will be required in all cases.

C. **Justification statement.** An application requirement, which may not be waived, is a written statement by the applicant or its oak tree preservation consultant stating the justification for planned actions involving oak trees.

Statements should establish how the oak trees in the vicinity of the project or construction site will be protected; that any construction or use will be done with approved preservation methods; and that one of the following findings can be made:

1. That due to the condition of the protected tree(s), certain actions are required to maintain its health, balance or structure.
2. That the retention or failure to allow some encroachment of the trees as described in the application prohibits the reasonable and conforming use of the property. (Refer to section 9657.5 for specific guidelines.)
3. That the condition of the tree(s) subject to this ordinance with respect to disease, danger of falling, proximity to existing or proposed buildings and/or structures, parking lots or interference with utility services cannot be controlled or remedied through redesign of the site elements, reasonable preservation procedures and practices.

D. **Site plan map.** The requirement for a site plan map may be waived in some situations involving cutting or removal of dead or hazardous oak trees.

In those cases determined to require a site plan map, the following information should be included. (A sample Site Plan Map is included in Attachment "B".)

NOTE: Existing site plan may be used provided the information is both current and accurate.

1. Size: Maps should not exceed 30" × 42" in size.
2. Scale: The scale should not be smaller than 1" = 20'.

NOTE: Map size and scale may be decreased with prior approval.

3. Title block: In one corner of the map, indicate the name of the property owners, applicant, appropriate consultants, (such as surveyor and oak tree specialists) address(es) and phone number(s) of those involved in preparing the plans and application.

4. Physical characteristics: The body of the map should accurately portray the following existing and proposed features:

4.1. Property lines;

4.2. Streets, access easements and/or public or private driveways and any other paved areas;

- 4.3. Buildings or structures;
 - 4.4. Setbacks of all buildings and structures from property lines;
 - 4.5. Parking and other paved areas;
 - 4.6. Land uses on parcel (existing and proposed as applicable);
 - 4.7. Proposed grading and construction; including utilities and subdrains, if available.
5. Oak tree locations: Unless advised differently, the map shall indicate the exact location of an oak tree proposed to be encroached upon, removed and/or relocated, and those oaks within 250 feet of the project or construction area. Surveying the exact location(s) of the tree(s) both horizontally and vertically is very important and must be accomplished by obtaining the services of a professional engineer or a licensed land surveyor whose signature shall be affixed to the site plan and oak tree location map as appropriate.
6. Dripline(s) of the tree(s): The exact location of the dripline of an oak tree is crucial in order to evaluate any impacts resulting from construction. Consequently, aerial photographs and rough approximations will not be acceptable. The dripline must be plotted in the following manner:
- a. Obtain and record eight (8) compass readings; N, NE, E, SE, S, SW, W, NW.
 - b. Perform a measurement of the dripline in the field at each compass reading.
 - c. Sketch in any variations as observed in the field.

In certain cases, it may be possible to physically stake the surveyed corners of building(s) or related improvements in the field in order to assess the potential impacts upon the trees. The determination for these requirements will be made during the pre-application conference.

In anticipation of a field inspection, each tree shall be assigned a number on the plan and physically tagged in the field as described in section IV.E. of this resolution [appendix].

E. **Tagging.** In the process of preparing oak tree reports each tree is required to be numbered. In order to standardize the system so that everyone may easily locate the tree number the following procedure is hereby established:

1. A permanent tag, a minimum of one and one-quarter (1 1/4) inches to two (2) inches is to be used for this purpose. The tag must be made from a noncorrosive, all-weather material and be permanently attached to the tree.
2. The tag shall be affixed to the north side of the tree at a height of three and one-half (3 1/2) feet above the natural elevation.
3. Except for trees whose number has become obliterated, trees that were previously tagged need not be retagged.
4. Trees whose numbers have become obliterated shall be retagged using the new method described in subsections 1. and 2. above.

F. ***Oak tree report.***

1. General.

a. No Report Necessary: The determination on the requirement for an oak tree report will be made during the pre-application conference and will be predicated on the scope of the project and the nature of its impact on the surrounding trees. In general, the requirements for an oak tree report may be waived only in situations involving the removal of dead or hazardous trees, subject to verification by the city's oak tree consultant.

b. New Report Necessary: In situations requiring the submission of an oak tree report, the document shall be certified by the applicant's oak tree consultant to be true and correct and must be acceptable to the director of planning and community development. Questions concerning the extent of the report's content or the acceptability of the report's preparer should be cleared with the planning staff in advance.

c. Use of Existing Report: In cases where there is an existing oak tree report on a project that was not approved and/or constructed, the developer may be required to provide a supplementary report rather than a new report. In addition to any design changes, the report will retain the original numbering system and include the current health of each oak tree on the project.

2. Criteria. The oak tree report shall describe and evaluate the health and condition of the subject oak trees with respect to such factors as the existence of disease and danger of the tree falling. Additionally, each tree shall be rated on a scale of A to F. (The rating system is described in subsection F.3.)

A tree evaluation form shall be completed for each affected tree showing the location, spread, trunk diameter (as measured three (3) feet, six (6) inches above the average ground level at the base of the tree) and species name of each oak tree. (Sample tree evaluation forms are included in Attachments "C" and "D".) Additionally, the report shall discuss all grading, required cutting, paving or trenching in and around the trees on the project and shall evaluate, to the extent possible, the impact of such activity on the tree as well as any mitigating measures proposed, and the anticipated effectiveness thereof.

In addition, the oak tree report shall contain the following information:

2.1. Physical Evaluation. The physical evaluation of each tree includes, but is not limited to, the following:

- (a) Location of the tree--Accomplished by a professional engineer or a licensed land surveyor; for individual lots, consultants may accurately plot the actual tree location utilizing property line hubs.
- (b) Diameter of trunk at three (3) feet, six (6) inches above grade;
- (c) Diameter of canopy and accurate plotting of the protected zone and mean natural grade at base;
- (d) Height of tree;
- (e) Appearance rating on a "A--F" scale based on standard tree of same species ("A" would be a nearly symmetrical, healthy tree, "F" would be a dead tree);

- (f) Existing tree environment including type of terrain;
- (g) Physical structure--Excessive horizontal branching unbalanced crown, broken branches, etc.; and any mitigation measures proposed to correct any problems.
- (h) The minimum clearance from the present grade to the bottom of the canopy on each of the compass points.

2.2. Horticultural Evaluation. Horticultural evaluation information required; including but not limited to:

- (a) Physical evidence of disease, exfoliation, leaf scorch, exudations; etc. It is required that each identified disease symptom be accompanied with a statement as to the probable effect of the disease upon the life or structure of the tree.
- (b) Identification of pests, twig girdler-borers, termites, pit scale, plant parasites; etc.
- (c) Evaluation of tree's vigor--Example: new tip growth, good leaf color, poor leaf color, abnormal bark, deadwood, thinning of crown; and recommended mitigation measures necessary to correct any problems.

(A sample oak tree report is included in Attachments "E" and "F".)

3. Oak tree rating system. In rating oak trees, the following system will be used to describe their condition.

3.1. "A" =*Outstanding*: A healthy and vigorous tree characteristic of its species and reasonably free of any visible signs of disease or pest infestation.

3.2. "B" =*Above average*: A healthy and vigorous tree with minor visible signs of disease and/or pest infestation.

3.3. "C" = *Average*: Although healthy in overall appearance there is an abnormal amount of stress or disease and/or pest infestation.

3.4. "D" =*Below average/poor*: This tree is characterized by exhibiting a greater degree of disease and/or pest infestation than normal and appears to be in a state of rapid decline. The degree of decline may vary greatly in signs of dieback, disease and pest infestation and appears to be in an advanced state of decline.

3.5. "F" =*Dead*: This tree exhibits no signs of life whatsoever.

V. Standards for performance of required work.

A. General information:

1. **Scope of work.** All work shall be performed as specified in the approved oak tree report, oak tree permit and the requirements contained in this resolution and the accompanying standards and details. Additional work such as spraying, watering, fertilization, cabling, bracing, etc., may be required as determined by the city's oak tree consultant. It must be remembered that these trees are living organisms and that the necessity for such additional work may be required due to a change in their condition since the original oak tree report was prepared.

2. **Oak tree preservation consultants.** Generally, the services of an oak tree consultant are made necessary by conditions of various permits issued by the City of Agoura Hills. The importance of the consultant to the developer/property owner is clear from the various requirements listed in this resolution. From the city's perspective it is both necessary and critical that the developer/property owner identify the consultant(s) of record and allow them to act independently to perform their duties in a manner whereby they will be able to certify work as required by this resolution. Consequently, except in cases where major cuts have been approved, the developer/land owner must not fail to provide their consultant(s) with a forty-eight-hour advance written notice before commencing any authorized work within the protected zone of oak trees. Moreover, it is mandatory that the developer/land owner notify the department of planning and community development in writing within five (5) days of any changes of their oak tree preservation consultant(s) of record.

3. **Inspections.** All work shall be conducted in accordance with applicable ordinances and procedures detailed in this resolution. It is the developer's responsibility to call for and secure all inspections required to approve all such work.

4. **Work within the protected zone.** Because of the high sensitivity of oak trees, great care must be taken when work is being conducted within the protected zone. For this reason, the city has established specific procedures to ensure that the trees receive maximum protection. The procedures are as follows:

4.1. **Forty-eight-hour notice.** Except for deadwooding, the applicant shall provide a forty-eight-hour written notice to the department of planning and community development and his oak tree consultant before beginning any work within the protected zone.

4.2. **On-site supervision.** Except for deadwooding, all work conducted within the protected zone of the oak tree shall be performed in the presence of the applicant's oak tree consultant, and verified by the city's oak tree consultant.

4.3. **Hand tools.** Unless otherwise approved, all work conducted within the protected zone shall be accomplished using hand tools only.

4.4. **Certification letter.** Certification letters are required for all work conducted upon oak trees. In this regard, the developer's oak tree consultant shall submit a certification letter to the department of planning and community development within five (5) working days of completion of such work certifying that all of the work was conducted in accordance with the appropriate permits and the requirements of this resolution.

5. **New plants within the protected zone.** Although any planting within the protected zone is discouraged, only drought tolerant plantings will be permitted. Moreover, if such plants are allowed, no spray-type irrigation systems will be permitted.

Each request to plant within the protected zone of an oak tree will be judged on its own merits. Paramount in the consideration of a request will be the compatibility of the plantings to the intent to preserve the oak. Plants should be selected from those normally found beneath an oak tree in its natural setting. Use caution to avoid plants which are susceptible to either *Phytophthora cinnamomi* (Avacado root rot) or *Armillaria mella* (oak root fungus).

B. Tree maintenance and pruning operations:

1. **Ornamental or aesthetic pruning.** It is the policy of the City of Agoura Hills not to allow the removal of live tissue for the purpose of altering the appearance of an oak tree. Therefore,

ornamental pruning, thinning out, heading up, or any other similar pruning which involves the removal of live tissue is not permitted.

2. **Deadwooding.** Generally speaking, deadwooding an oak tree is self-explanatory in that no live tissue is allowed to be removed.
3. **Structurally unsafe limbs and branches.** Live limbs or branches that do not exceed three (3) inches in diameter and are considered to be unsafe because of decay, rot, cavities, cracks or splitting can be removed without obtaining an oak tree permit. However, the decision to remove such limbs must be made by the developer's oak tree consultant. Any remedial actions on limbs larger than three (3) inches in diameter will be subject to city approval. Such request shall include a brief report from the developer's oak tree consultant detailing the conditions that exist and any remedial work recommended to correct the situation.
4. **Unbalanced trees.** Trees that are suspected of being unbalanced because of broken limbs or which may become unbalanced as a result of the deadwooding process will require an oak tree report and an oak tree permit before any work can be performed. The report shall contain an analysis of the problem and a recommendation for whatever remedial work may be necessary to correct the situation.
5. **Pruning live tissue (encroachments).** Generally, the removal of live growth must be approved by the department of planning and community development through an oak tree permit application. A property owner may remove live tissue without obtaining an oak tree permit, only when 1: the branches do not exceed two (2) inches in diameter and 2: the branches interfere with an existing structure. No oak tree may be topped, even if cuts are limited to branches less than two (2) inches in diameter. In cases where new structures are proposed for construction, no branch, regardless of size, can be removed without obtaining an oak tree permit. No live tissue (roots or branches) exceeding two (2) inches in diameter can be removed without first obtaining an oak tree permit except where clearance is required for public utilities or public rights-of-way after notice to the city.

For the purposes of this section, "topping" shall mean the cutting of the branches of a tree in a manner which will substantially reduce the overall size of the tree canopy so as to destroy its natural shape.

All pruning work shall follow proper arboricultural practices as approved by the city's oak tree consultant. Where root damage has occurred, the developer's consultant may recommend compensatory pruning of the canopy to reinstate the proper root/leaf equilibrium. All diseased, dead or improperly pruned limbs shall be removed from each tree. All root cuts two (2) inches and larger in diameter must be sealed with an approved pruning compound.

6. **Fire damaged trees.** Although fire is considered a serious threat to oak trees, many trees can survive several damaging fires and live one hundred (100) to two hundred (200) years or more. During this time they can continue to provide wildlife enhancement, watershed protection, recreation and aesthetic value to the community.

Some trees may begin to exhibit visible signs of rejuvenation within a few weeks of a fire. In its publication "Five Southern California Oaks: Identification and Post-fire Management: The USCDA General Technical Report (PSW-71)" states that, "It is desirable to postpone the cutting of heavily charred coast live oak trees for at least two (2) to three (3) years on the chance that most trees will recuperate. Since there are many factors that will determine the survival of fire damaged trees, a careful assessment of each individual tree must be undertaken before deciding on a specific course of action."

Policy: Therefore, it shall be the policy of the City of Agoura Hills to require a complete oak tree report on any and all oak trees that have been fire-damaged before any work can be permitted. This policy also applies to deadwooding.

In preparing this report, oak tree consultants may assess the extent of the damage using visual, chemical or electrical techniques as necessary. Recommendations to remove a tree or to perform remedial work may follow the general guidelines contained in the following publications.

- a. U.S. Department of Agriculture, General Technical Report, PSW-71.
- b. Response of Oaks to Fire; prepared by Tim R. Plumb and presented at the Symposium on Ecology, Management and Utilization of California Oaks, June 26--28, 1979.

If the removal of any live tissue is so indicated, an exception may be made to prune the tree in such a manner so as to permit the regeneration process to proceed unhindered by dead or unhealthy limbs. When cases such as these occur, the developer's oak tree preservation consultant will recommend a program in the oak tree report to address the problem.

7. **Diseased trees; pests and insects.** Generally speaking, our native oak trees are a hardy species. However, there are a variety of diseases and pests that can severely affect trees that are in a state of general decline. Since the entire subject of diseases, pests and insects is a highly technical matter, no diseased tissue may be removed, unless it is unsafe, without submitting an oak tree report and obtaining an oak tree permit.

8. **Roots.** All roots one (1) inch or larger shall be treated as in subsection 5 (pruning). Where structural footings are required and roots will be impacted, the footings shall be bridged and the roots protected. Cover all such roots with a layer of plastic cloth and two (2) to four (4) inches of styrofoam matting prior to pouring the footing. (Standard details are shown in Exhibit E-1, 2 and 3).

Finally, all trees that have suffered root damage shall be fed nutrients to encourage new growth. The developer's oak tree consultant shall make recommendations to the city before proceeding with a nutrient feeding program.

9. **Cavities.** All cavities must be cleaned out of loose debris. Some cavities must be cleaned out to remove all decayed wood while protecting live tissue from injury, provide for proper drainage and allow for new growth, as determined by the city's oak tree consultant. Concrete or other similar materials shall not be used to seal or fill cavities. Screening shall be applied over remaining cavities to prevent debris buildup.

10. **Tree removals.** Unless otherwise expressly approved in writing, authorized removal of oak trees shall be accomplished using the following guidelines:

10.1. All portions of the tree shall be completely removed from the site and debris relocated to a recognized county refuse disposal site. Additionally, the stump must be completely removed and the hole or indentation filled with soil.

10.2. All tree wells that were created to preserve the tree shall be completely filled with soil to the satisfaction of the city engineer and building official.

10.3. Replacement trees shall be planted in accordance with the procedures established in section V.5 of this resolution [appendix].

10.4. Unless waived by the department of planning and community development, a refundable security deposit in an amount equal to the cost of the replacement trees shall be deposited in trust with the City of Agoura Hills to guarantee the implementation of section 10.3. The deposit will be refunded upon satisfactory completion of these conditions.

10.5. A signed acceptance of the conditions of the oak tree permit for removal shall be executed by the applicant or his representative and the refundable security deposit shall be made prior to the issuance of the oak tree permit.

C. **Phases of construction:** The information contained in this section is divided into the four (4) phases normally associated with new construction. Apart from the normal activities conducted during each phase, there are certain conditions associated with work around oak trees that are required to be completed during these phases. This section addresses these conditions and, unless waived by the department of planning and community development, are expected to be completed for all residential, commercial and industrial projects.

1. **Pre-construction phase.** This period is defined as the time between the approval of a development permit and the issuance of a stage grading or final grading permit. No work of any kind may occur on an approved project unless a state grading permit, grading permit or oak tree permit has been obtained from the City of Agoura Hills. A grading plan for parcels with oak trees on the property will not be approved until the oak tree consultant has reviewed and approved the grading plan. Generally speaking, the following activities will occur before the commencement of grading operations.

1.1. Pre-construction conference. During the conduct of this meeting representatives from the departments of planning and community development and engineering will address various issues relating to oak trees on the project site. These issues include, but shall not be limited to, the following matters:

(a) The fencing plan. The developer or his representative shall bring a copy of the fencing plan to the pre-construction meeting. Using the approved grading plan or the site plan map, the fencing plan should be designed along the following guidelines:

(1) A minimum five-foot high new chain link fence in concrete footing will be required to be installed at the outermost edge of the protected zone of each oak tree or groups of trees. Exceptions to this policy may occur in cases where oak trees are located on slopes that will not be grubbed or graded, or are located on future phases where there is no activity planned or no currently approved grading plan. The fences must be installed in accordance with the approved fencing plan prior to the commencement of any grading operations. The developer's superintendent will be responsible to call the department of planning and community development for an inspection and approval of the fencing prior to the beginning of grubbing or grading operations.

(2) Additionally, signs must be installed on the fence in four (4) locations (equi-distant) around each tree. The size of each sign must be a minimum of two (2) feet by two (2) feet square and must contain the following language:

WARNING

THIS FENCE SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM THE CITY OF AGOURA HILLS DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

On a grove of oak trees, signs shall be placed at approximately fifty-foot intervals around the grove.

(3) Once approval has been obtained, the fences shall remain in place throughout the entire construction period and may not be removed without obtaining written authorization from the department of planning and community development.

(b) See required tagging per section IV.E. of this resolution [appendix.]

2. **Grading operations phase.** This period is defined as the time between the commencement of grading operations and the commencement of construction of the building improvements. It is understood that the construction phase may begin while grading operations are continuing and that grading may begin on a subsequent phase while construction is still in progress on a previous phase.

For purposes of this section, each phase is considered separate and the conditions associated with each phase will be required to be completed at the start or during the operations of each phase. The inspector from the department of planning and community development will make that determination in the field.

In addition to the normal grading operations conducted during this phase, the developer will be required to complete or satisfy the following tasks:

2.1. On-site documentation. The following information must be located and permanently retained on the construction site at the start of grading operations. The superintendent will be required to call the department of planning and community development to request an inspection and to verify that the information is located on site.

- (a) Oak tree report--All present and proposed modifications.
- (b) Oak tree location map.
- (c) Oak tree fencing plan.
- (d) Oak tree permit and all present and future modifications.
- (e) Approved grading plans approved by the city engineer and oak tree consultant.

Stamped set approved by the department of planning and community development.

(f) Permit and tract conditions: A copy of the approved permit and tract conditions, and all current and future modifications approved by the department of planning and community development.

(g) Oak tree inspection card.

(h) Oak tree ordinance.

(i) Oak tree preservation guidelines.

(j) Approved planting and irrigation drawings.

2.2. Oak tree removals, deadwooding, pruning, pest control, feeding, fertilization. Unless otherwise approved, the applicant is required to complete oak tree removals, pest control, feeding, and fertilization, as approved by the oak tree permit for the entire project or the phase that is currently

being graded. Deadwooding or pruning is to be accomplished during the construction phase of the project, unless otherwise approved.

2.3. Retaining walls within the protected zone. In cases where an oak tree permit has been approved for the construction of retaining walls within the protected zone of the oak tree, the developer will be required to complete these improvements before completion of grading operations and before commencement of the construction phase. (Refer to Attachments G-1, 2 and 3 for standard details.)

2.4. Oak tree preservation devices. If required by the oak tree report and the oak tree permit, preservation devices such as air ventilation systems, oak tree wells, drains, special paving and cabling systems will be required to be installed before the completion of the grading phase and the commencement of the construction phase. These devices must be installed under the direct supervision of the developer's oak tree consultant who will be responsible to write a letter certifying all such work and submit it to the department of planning and community development.

2.5. Utility trenching-pathway plan. In order to avoid unnecessary damage to the root system, prior to the completion of the grading operations and before the commencement of the construction phase, the developer will be required to submit a utility trenching-pathway plan to the departments of planning and community development and the city engineer for review and approval. The plan will depict all of the following systems: storm drains, sub-drains, sewers, easements area drains, gas lines, electrical service, cable TV, water mains, irrigation mainlines, and any other underground installations.

Additionally, the plan must show all lateral lines serving the residences. To be completely effective, the plan must include the surveyed locations of all oak trees on the project as well as an accurate plotting of the protected zone to within one (1) foot.

The plan should be developed considering the following general guidelines:

- (a) All systems in this subsection (2.5), shall avoid going into the protected zone of any oak tree.
- (b) Where it is not possible to avoid some encroachment, the design shall minimize the extent of such encroachment and a report of these encroachments and mitigation measures will be made in a supplemental oak tree report.

2.6. Parking lots and pedestrian walkway improvement location. Since the city's policy is to preserve all healthy oak trees unless justifying the removal, cutting or relocation of an oak tree, architects should design their projects with this requirement in mind. Therefore, for public safety reasons, parking lots and pedestrian walkways must be designed so that no unhealthy oak trees are proposed to remain in high vehicular and pedestrian areas. Trees whose ratings are confirmed to be a "D" or less should be avoided in pre-design or proposed for removal unless it is felt that major surgery coupled with a nutrient feeding program will restore the tree to a safe and vigorous condition.

To the extent possible, parking spaces should not be located directly under the canopy of oak trees. When this is not possible, pervious paving material shall be employed to the satisfaction of the Director of Planning and Community Development. The developer's licensed engineer will be required to certify that such work was accomplished under his personal supervision and in accordance with the approved plans.

2.7. Cut and fill slopes. In general, every effort should be made to avoid cut and/or fill slopes within the protected zone of any oak tree. Where fill slopes are proposed, the oak tree report must include a soils report indicating whether or not it will be necessary to cut and recompact the area prior to moving the fill material into position.

3. **Construction phase.** This period is defined as the time during which building improvements are under construction.

3.1. Ground plane improvements. The following improvements may be permitted to be installed within the protected zone of an oak tree subject to the approval of an oak tree permit issued by the department of planning and community development and the limitations and guidelines contained in this section: Patio covers, wood decks, garden walls, fences, gazebos and other similar improvements. The guidelines and limitations are as follows:

(a) An oak tree permit shall be submitted and approved by the department of planning and community development.

(b) Trenching under the dripline of an oak tree may be conducted with hand tools only.

(c) All of the work shall be conducted in the presence of an oak tree preservation consultant, subject to verification by the city's oak tree consultant.

(d) Minor roots under one (1) inch in diameter may be cut but must be treated with an approved compound before the improvements are installed.

(e) Roots over three (3) inches may only be cut with city approval and must be treated with an approved compound before the improvements are installed.

(f) All root pruning shall consist of clean cuts at a forty-five-degree angle with the cut surface facing downward.

3.2. Fine grading permit (oak tree lots only). On most tracts, the drainage patterns for the lots will have been designed into the original grading plan. However, this is not the case with custom lots and custom lot tracts. Therefore, in an effort to avoid establishing drainage patterns that intrude into the protected zone of oak trees, the following procedures have been established:

(a) Custom lots and custom lot tracts. A fine grading permit will need to be obtained from the city engineer before any fine grading work may begin. The landscape architect or engineer shall design a pattern that will completely avoid the protected zone utilizing surface and/or subsurface drainage devices. Additionally, the oak tree consultant will be required to submit a supplemental oak tree report to the department of planning and community development for review and approval prior to fine grading the lot.

Following approval of the plan and the completion of the work, the oak tree consultant will submit a letter of certification to the department of planning and community development.

(b) Other lots and projects. On all other projects, grading plans will be designed at the outset to avoid the protected zone of the oak trees. The procedure for these lots will be as described in custom lots, above.

4. **Post construction phase.** This period is defined as the time following the completion of all building improvements. In residential zones, the construction phase and the post construction phase will overlap as houses are completed and new houses are still being constructed. For purposes of this section, certain conditions will be required to be completed before a zoning clearance (leading to a certificate of occupancy) can be issued by the department of planning and community development.

4.1. Certification of oak tree work. On all lots containing oak trees, the inspector from the Department of Planning and Community Development will require that all of the oak tree work required by the conditions of the development permit, the Oak Tree Report and the Oak Tree Permit, as applicable, have been completed and certified by the developer's oak tree preservation consultant prior to issuing a zoning clearance for release of occupancy.

4.2. Oak tree information packet. In cooperation with the sales agent, the developer will be required to provide and certify that an oak tree information packet, as approved by the director, has been provided to the buyer of the property and the homeowners' association. The information to be included in this packet is as follows:

- (a) Oak trees--Care and maintenance;
- (b) Oak tree ordinance;
- (c) Oak tree preservation guidelines;
- (d) Development permit: Copy of the city-approved conditions of the permit;
- (e) Certification of receipt of the oak tree information packet will be accomplished as follows:

Developer/sales agent shall prepare a letter introducing the packet. The letter and the packet shall then be sent by certified mail to the property owner. The developer shall forward a copy of the letter and a signed copy of the return receipt card to the department of planning and community development where it will be recorded and stored.

C.1. **Oak tree planting and replacement program.** In recognition of the fact that oak trees are a precious and diminishing resource, it shall be the policy of the City of Agoura Hills to replace or relocate oak trees in cases where removals have been approved in accordance with the following schedule:

1. ***Dead or hazardous oak trees.***

1.1. Commercial and industrial properties. One (1) thirty-six-inch box oak tree shall be planted for each tree approved for removal.

1.2. Residential properties. One (1) thirty-six-inch box oak tree shall be planted for each tree approved for removal for new construction. However, in cases where houses currently exist on the property, the requirement for replacement shall be one (1) fifteen-gallon oak tree for each oak tree approved for removal.

2. ***Healthy oak trees.***

2.1. Commercial properties. Whether for new or existing construction three (3) oak trees shall be planted to replace each tree that was approved for removal as follows:

- (a) Two (2) twenty-four-inch box specimens, and
- (b) One (1) thirty-six-or sixty-inch box specimen as follows:

In the case of landmark trees, (trees whose diameter exceeds forty-eight (48) inches, the applicant will be required to obtain a nursery-grown oak tree of equivalent caliper to the tree removed or

provide two (2) container grown, sixty-inch box oak trees for each healthy landmark tree approved for removal. The purpose of this limitation is to avoid the introduction of oak root fungus and Avaca root rot into this region.

2.2. Residential properties. The replacement policy for new construction in residential properties is the same as described above in 2.1. However, in cases where houses currently exist, the requirement for replacement shall be one (1) thirty-six-inch box oak tree for every healthy oak tree approved for removal. In cases of landmark trees (forty-eight inches or more in diameter) a sixty-inch box oak tree shall be required to be planted.

3. **Relocations.** In certain limited cases the city may consider the relocation of oak trees from one area in the project to another. The guidelines and limitations of this program are as follows:

3.1. Oak trees which are approved for relocation will be considered by the city as removals.

3.2. The tree(s) being recommended for relocation must be approved by the city's oak tree consultant whose decision will be based upon factors relating to health, type, size, time of year and proposed location.

3.3. The diameter of any relocated tree may not exceed six (6) inches in diameter. Exceptions to this policy may be made if a larger diameter nursery grown oak tree is available and can be reserved for a period of one (1) year in the event the relocated tree does not survive for one (1) year.

3.4. A refundable cash security deposit, in an amount equal to the cost of purchasing an equivalent nursery grown oak tree, shall be made with the department of planning and community development. The deposit will be refunded after twelve (12) months if, in the opinion of the city's oak tree consultant, the relocated tree has survived and is considered to be in good health. If the tree is considered to be marginal, the deposit will be retained for an additional twelve (12) months, when another inspection will be conducted. If the health of the tree is unchanged or has declined, the developer will remove the relocated tree and replace it with an equivalent nursery grown oak tree. The security deposit shall be retained for at least an additional twelve (12) months.

3.5. Trees of replaceable size may be considered for removal so that the new nursery tree can be planted on site in a more appropriate location relative to the new construction.

4. **Replacement tree--Types, sizes.**

4.1. Types. In all cases, replacement trees will be as follows: Quercus Agrifolia (Live Oak), Quercus Lobata (Valley Oak). Other oak tree varieties must be approved in advance by the city's oak tree consultant.

Note: In some cases, where it is not possible to obtain nursery grown trees in the sizes required, an equivalent number of large and small container oak trees shall be planted in an amount equal to the cost of the larger but unavailable trees.

4.2. Sizes. While it is recognized that tree sizes may vary somewhat, the following table taken from the Keeline-Wilcox 1985 wholesale catalog will serve as the basis for what the city expects in terms of sizes. Consultants will be expected to make every attempt to obtain oak trees whose specifications most nearly approach the following:

TABLE INSET:

| Size Container | Height (Feet) | Spread (Feet) | Caliper (Inches) |
|----------------|---------------|---------------|------------------|
| 15 Gal. | | | |
| 24" Box | 8 to 10 | 5 to 6 | 2 to 2 1/2 |
| 30" Box | 10 to 12 | 6 to 8 | 2 1/2 to 3 |
| 36" Box | 12 to 14 | 8 to 10 | 3 to 3 1/2 |
| 42" Box | 14 to 16 | 10 to 12 | 3 1/2 to 4 |
| 48" Box | 16 to 18 | 12 to 13 | 4 to 4 1/2 |
| 54" Box | 18+ | 13 to 14 | 4 1/2 to 5 |
| 60" Box | 20+ | 14 to 15 | 5 to 6 |
| 72" Box | 22+ | 15+ | 6+ |
| _____ | | | |

5. **Location of replacement trees.** In determining the location of replacement trees, the director of planning and community development shall consider, but is not limited to, the following factors:

5.1. The vegetative character of the surrounding area near the project site; and

5.2. The number of oak trees subject to this ordinance [appendix] which are proposed to be removed in relation to the number of such trees currently existing on the project site; and

5.3. The anticipated effectiveness of the replacement oak trees as determined by the oak tree report submitted by the applicant; and

5.4. The development plans submitted by the applicant for the proposed construction or the proposed use of the project site.

In cases where conditions preclude the project site for planting the replacement trees, the director of planning and community development may consider other options as follows:

5.5. Planting oak trees on public property such as designated open space areas, public parks, etc. (Ord. No. 232, § 1, 7-14-93)

VI. Enforcement.

A. **General.** The department of planning and community development through its code enforcement officers shall vigorously enforce the provisions of the oak tree ordinance and the oak tree preservation guidelines contained within this resolution [appendix]. Additionally, inspectors from building and safety and engineering, in the course of their regular duties, will monitor activities on-site on a daily basis. Any irregularities or suspected violations will be immediately reported to the code enforcement section for followup action.

B. **Stop work orders.** Whenever any construction or work is being performed contrary to the provisions of the oak tree ordinance, oak tree preservation guidelines, oak tree permit or conditions of the appropriate development permit, a city inspector 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 or danger and no work shall be allowed until the violation has been rectified and approved by the code enforcement officer or the city's oak tree consultant.

C. **Citations.**

1. Additional remedies. Any person who cuts, damages, moves, or removes any oak tree within the city or encroaches into the drip line of an oak tree in violation of section 9657.5 of the city's zoning ordinance shall be subject to the following remedies in addition to any penalties provided by the Municipal Code:

(a) A suspension of any building permits until all mitigation measures specified by the city are satisfactorily completed.

(b) Completion of all mitigation measures as established by the city.

2. Restitution. It has been determined that the oak trees within the city are valuable assets to the citizens of this community and to the citizens of the County of Los Angeles and as a result of the loss or damage to any of these trees, the public should be recompensed.

Any person violating the provisions of this chapter [appendix] shall be responsible for proper restitution and may be required to replace the oak tree(s) so removed or damaged, by the donation of or by replanting two (2) or more oak trees of reasonable equivalent size and value to the tree damaged or removed. The number, size and location of said equivalent replacement oak trees shall be determined by the director of planning and community development.

The value shall be established as provided in the tree evaluation formula, as prepared by the Council of Tree and Landscape Appraisers.