

**Westlake Village Municipal Code  
(Excerpts)**

**Article 9: ZONING REGULATIONS**

**Chapter 9.21: OAK TREE PRESERVATION STANDARDS**

**9.21.010. Purpose.**

The City Council finds that oak trees are a significant historical, aesthetic, and ecological resource in the City of Westlake Village and that the preservation and propagation of this unique, irreplaceable plant heritage is in the best interests of the residents of the City. Regulation of such trees so as to prevent indiscriminate removal and inappropriate maintenance will preserve the distinctive ecological character of the City and will allow for development in a manner consistent with the health and welfare of the community.

(Ord. No. 82, Amended, 05/11/88)

**9.21.020. Permit Required.**

Except as otherwise provided in Section 9.21.030, no person shall destroy, remove, relocate, or otherwise inflict damage on any tree of the oak genus which is twelve and one-half (12.5) inches or more in circumference (four (4) inches in diameter) as measured four and one-half (4.5) feet above mean natural grade, or, in the case of an oak with more than one trunk, whose combined circumference of any two (2) trunks is at least eighteen (18) inches (six (6) inches in diameter) as measured four and one-half (4.5) feet above mean natural grade, on any lot or parcel of land within the City, unless an oak tree permit is first obtained in accordance with the provisions of this Chapter 9.21. As used in this Chapter, the word "damage" shall include any act causing injury to the root system or other parts of a tree including but not limited to cutting, nailing, burning, application of toxic substances, operation of equipment or machinery, or by paving, changing the natural grade, trenching, excavating, or building within the dripline or ten (10) feet of trunk, which ever is greater.

(Ord. No. 82, Amended, 05/11/88; Ord. No. 192-05, Amended, 3/9/05)

**9.21.030. Exemptions.**

The provisions of this Chapter 9.21 shall not apply to:

- A. Cases of emergency caused by an oak tree being in a hazardous or dangerous condition as determined by City personnel.
- B. Emergency maintenance by a public utility necessary to protect or maintain an electric power or communication line or other property of a public utility.
- C. Trees planted, grown, and/or held for sale by a licensed nursery.
- D. Repair and maintenance of existing parkways, highways, and streets and/or other public facilities.
- E. Routine maintenance intended to insure the continued health of a protected tree, including the trimming of branches.

(Ord. No. 82, Amended, 05/11/88; Ord. No. 192-05, Amended, 3/9/05)

#### **9.21.040. Application for Permit.**

Consideration of any action described in Section 9.21.020 shall be initiated upon the filing of an application for an oak tree permit by the owner of the subject property or by the owner's authorized representative, except that no application shall be filed or accepted if final action has been taken within one year prior thereto on an application requesting the same or substantially the same permit.

Applications shall be submitted on a form provided by the City and shall be accompanied by an oak tree report unless such report is waived by the City. An application shall not be accepted unless it contains all of the required information and the required fee as prescribed by resolution of the City Council has been paid.

(Ord. No. 82, Amended, 05/11/88)

#### **9.21.050. Hearing and Notice.**

When a complete application has been filed, the time, date, and place for a public hearing shall be set not later than forty-five (45) days after the date of acceptance. If the application is filed concurrently with a development permit of any kind, the hearing shall be conducted concurrently with the hearing on the development permit.

In the event an application is submitted in connection with an application for a conditional use permit, variance, zone change, subdivision map, or other development permit, the oak tree permit application shall be considered concurrently therewith and all legal notice for such development permit shall contain a notice of the pendency of the oak tree permit application. In all other cases where the oak tree permit application is filed by itself, notice of the hearing shall be posted at least ten (10) days prior to the date of the hearing, setting forth the date, time, and place of the hearing as well as a general explanation of the purpose of the application and the matters to be considered during the hearing.

In the event the Director determines that the application should properly be reviewed and a report prepared by an appropriate consultant, the Director shall secure proposals from available consultants and select a proposal which, in the Director's judgment, is most suitable. In advance of execution of an agreement between the City and the consultant and of performance of the consultant's work, the applicant shall enter into an agreement with the City wherein the applicant agrees to reimburse the City for the entire cost of consultant's work as set forth in the proposal. The report shall be reviewed and considered at the hearing of the application.

(Ord. No. 82, Amended, 05/11/88)

#### **9.21.060. Findings and Decision.**

A. Upon review of the application and consideration of the written and oral evidence received at the public hearing, the Commission shall render its decision. The application shall be approved if the applicant demonstrates and the Commission affirmatively finds any of the following:

1. That the removal or relocation of the oak tree(s) proposed is necessary as continued existence at the present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that either:

a. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive;

b. Location of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized.

2. That the oak tree(s) proposed for removal or relocation interfere 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);

3. That the condition of the oak tree(s) proposed for removal due to seriously debilitating disease or danger of falling is such that it cannot be remedied through reasonable preservation procedures and practices;

4. That construction proposed within the dripline or within ten (10) feet of the trunk of any oak tree will not cause harm or damage to said tree, and that any construction on the property can be accomplished without endangering the health of the remaining oak trees, if any, on the subject property.

B. Removal or relocation shall not be permitted if it will result in soil erosion through the diversion or increased flow of surface waters that cannot be satisfactorily mitigated.

C. The approval of any application under this Section may be subject to such reasonable conditions as will promote the purpose of this Section, including, but not limited to:

1. Replacement of a removed tree, if feasible, with trees of a suitable type, size, number, and at an appropriate location. In general, replacement trees shall be at least a twenty-four (24) inch box, or larger, and be placed at a ratio of four (4) new trees for each tree removed, unless otherwise specified.

In considering whether replacement trees should be required, the Commission should consider, in addition to any other relevant factor, the vegetative character of the surrounding area, the number of oak trees to be removed, the number of oak trees to remain on the property, and the viability of replacement trees.

2. Preparation and implementation of a plan for protection of trees on the subject property during and after proposed development, including installation of fencing, limitations on the type of equipment to be used near trees, corrective measures to remedy defects in trees, adequate supervision by a tree expert, and the posting of a bond to the satisfaction of the City to guarantee the survival of trees to be replaced or relocated for a period of three (3) years from the date that such trees are replaced or relocated.

3. Preparation of Covenants, Conditions and Restrictions (CC&Rs), or a deed restriction to run with the land to be approved as to the form by the City Attorney, providing information concerning the proper care, watering, and maintenance of oak trees on the subject property.  
(Ord. No. 82, Amended, 05/11/88; Ord. No. 192-05, Amended, 3/9/05)

#### **9.21.070. Notice of Action.**

A. The City shall serve notice of action upon:

1. The applicant as required by law for the service of summons or by registered or certified mail, postage prepaid, return receipt requested; and

2. All protestants testifying at the public hearing who have provided a mailing address, by first class mail, postage prepaid.

B. Where the Commission has concurrently considered a permit, variance, zone change, subdivision map, or other development permit, notice shall be included in the notice of action required for such concurrent actions.

(Ord. No. 82, Amended, 05/11/88)

#### **9.21.080. Revocation.**

Proceedings for the revocation of an oak tree permit may be initiated by the Council. Upon initiation of a revocation, the Council shall conduct a hearing with notice given in the same manner as set forth in Section 9.21.050, except that notice to the owner shall be by certified mail or personal service.

After the hearing, the Council revoke the permit if any of the following findings are made:

A. Approval was obtained by fraud, deceit, or misrepresentation.

B. The owner is not or has not been in compliance with the mitigation measures or conditions contained in the approval, or with the provisions and requirements of this Section.

The decision of the Council shall be final.

(Ord. No. 82, Amended, 05/11/88; Ord. No. 192-5, Amended, 3/9/05)

#### **9.21.090. Modification of Conditions.**

After an oak tree permit has been approved, modification of the conditions imposed, including additions and deletions, may be considered upon filing of a written application by the owner, or his authorized representative. Any such application for a modification shall be subject to the notice and hearing procedures set forth in Section 9.21.050. The decision and any appeal in connection with a modification request shall take place as with the initial approval. A modification of the permit may be granted upon a finding that the approved permit or a change of circumstances has created a substantial hardship for the owner and that any such modification will be in conformance with the requirements of this Chapter.

(Ord. No. 82, Amended, 05/11/88)

#### **9.21.100. Expiration.**

An approved oak tree permit which is not used within the time specified in the approval or, if no time is specified, within one year after the granting of such approval, shall become automatically null and void and of no effect, except that where an application requesting an extension is filed prior to such expiration date, the Director for good cause shown may extend such time for a period of not to exceed one year. The Director may attach to any such extension reasonable conditions necessitated by the delay in acting upon the permit. An action to attach conditions to an extension may be appealed in accordance with Section 9.21.080.

(Ord. No. 82, Amended, 05/11/88)

#### **9.21.110. Enforcement.**

In interpreting the provisions of Section 9.04.110 as they apply to this Chapter, each individual tree cut, destroyed, removed, relocated, or damaged in violation of these provisions shall be deemed a separate offense.

(Ord. No. 82, Amended, 05/11/88)