CHAPTER 8

TREE PRESERVATION

SECTION:

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5-8-1: INTENT AND PURPOSE: The City Council hereby finds, determines and declares that proper and necessary steps must be taken immediately to protect and preserve, to the greatest extent possible, native oak trees and designated historic trees, especially where those trees are associated with proposals for urban development, in order to protect the health, safety or welfare of the citizens of the City. (Ord. 164, 2-2-85)

5-8-2: SCOPE OF PROVISIONS: The provisions of this Chapter shall apply to all native oak trees and designated historic trees in all cases, but primarily where those trees are associated with proposals for urban development, on all public or private property within the limits of the City, except as specified herein. (Ord. 164, 2-2-85)

5-8-3: DEFINITIONS: For the purpose of this Chapter, certain words and phrases used herein shall be defined as follows:

ASSOCIATED WITH A PROPOSAL FOR URBAN DEVELOPMENT: Any land area for which an application is pending before the City for a grading or building permit or for which an application has been approved when the rights described in the permit have not vested.

DAMAGE: Includes any act causing injury to the root system or other parts of a tree, such as burning, application of toxic substances, operation of equipment or machinery or by paving, changing the natural grade, trenching or excavating inside or

within five feet (5') of the drip line.

HISTORIC TREE: A living tree designated by resolution of the City Council as a historic tree because of an association with some event or person of historical significance to the community or because of special recognition due to size, condition or aesthetic qualities. In addition, the following shall be automatically deemed "historic trees":

A. All trees in the City other than parkway trees, as defined in subsection B below, which are thirty six inches (36") or more in circumference (11.46 inches in diameter) as measured two feet (2') above the mean natural grade or, in the case of a tree with more than one trunk, whose combined circumference of any two (2) trunks is fifty four inches (54") or more as measured from two feet (2') above the mean natural grade; and

B. All parkway trees in the City which are twelve and one-half inches (12.5") or more in circumference (4 inches in diameter) as measured two feet (2') above the mean natural grade or, in the case of a tree with more than one trunk, whose combined circumference of any two (2) trunks is eighteen inches (18") or more (6 inches in diameter) as measured from two feet (2') above the mean natural grade. A "parkway tree" is defined as any tree within a distance of fifteen feet (15') of the nearest edge of the paved portion of any existing street or roadway used for vehicular purposes and maintained by the Hidden Hills Community Association.

LOT: An area of land created or established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, parcel map or certificate of compliance.

NATIVE OAK TREE: A living tree of the genus Quercus and species lobata, agrifolia, dumosa or California native hybrids thereof. A "native oak tree" which is twelve and five-tenths inches (12.5") or more in circumference (4 inches in diameter) for a single trunk tree or, in the case of an oak with more than one trunk, whose combined trunks equal at least eighteen and eight-tenths inches (18.8') or more in circumference (6 inches in diameter) as measured four and one-half feet ($4^1/_2$') above mean natural grade, shall be covered within this Chapter. (Ord. 260, 1-25-93)

5-8-4: REMOVAL OR DAMAGE OF DESIGNATED TREES RESTRICTED: No native oak tree or historic tree shall be trimmed, cut back, removed, cut down or otherwise damaged, nor shall any grading or construction activities occur inside of or within five feet (5') of the drip line of any such trees, except pursuant to a tree removal/ preservation permit, as described

herein. (Ord. 164, 2-2-85)

5-8-5: TREE REMOVAL/PRESERVATION PERMIT:

A. Permit and Fee Established: The Planning Director shall establish the format and information required for a tree removal/preservation permit consistent with this Title. The City Council shall establish a fee to offset the City's costs in processing this permit.[1]

B. Inspection of Premises: Prior to the issuance of such permit, the Planning Director or his designated representative shall, at the applicant's expense, engage a qualified tree specialist to inspect the premises involved and to designate the trees to be trimmed, removed or moved, along with any specific measures which must be followed in order to protect any trees to be affected by the proposed project.

C. Tree Removal Criteria:

1. No tree permit shall be issued for the removal of any tree on any lot associated with a proposal for urban development unless the project has been otherwise approved by the City and a grading permit therefor, if applicable to the project, has been issued or unless the Planning Director or his designee determines that the immediate removal of the tree is required because the condition of the tree with respect to disease, danger of collapse of all or any portion of the tree, proximity to an existing structure or interference with utility services. (Ord. 164, 2-2-85)

2. In cases involving the removal of a native oak tree or an historic tree, no tree permit shall be granted without the prior approval of the City Council. (Ord. 260, 1-25-93)

D. Standards for Granting or Denying Permit:

1. The determination by the Planning Director or his designee shall be based on information submitted by the applicant, including a report by a qualified tree specialist, that the following facts are true:

a. That the proposed construction, activity or use will be accomplished without endangering the health of the remaining trees, if any, on the subject property; and

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[1] See Title 2, Chapter 1 of this Code for collection procedures.

b. That the removal, modification or relocation of the mature tree, as proposed, will not result in soil erosion through the diversion or flow of surface waters which cannot be satisfactorily mitigated.

c. In addition to the above facts, at least one of the following findings shall also be established:

(1) That the removal, modification or relocation of the mature tree is necessary, since the continued existence of the trees at the present location frustrates the planned development or use of the subject property to such an extent that:

(A) Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive; or

(B) The existing location of such trees precludes reasonable and efficient use of such property for a use otherwise authorized; or

(2) That the trees proposed for removal, modification 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 the proposed removal, modification or relocation; or

(3) That the condition of the trees proposed for removal, modification or relocation, with reference to seriously debilitating disease or danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices. (Ord. 164, 2-2-85)

2. The Planning Director shall give priority to inspection of those requests based upon hazardous conditions. The Director may refer any application to the City Council for determination, in which case, the Council shall also establish the facts and findings listed above. (Ord. 164, 2-2-85; 1994 Code)

E. Conditions Associated with Issuance of Permit: The Director or City Council, in approving an application for a tree removal/preservation permit, may impose such conditions as are deemed necessary to insure that the permit will be in accord with the findings required by subsection D of this Section. These conditions may involve, but are not limited to, the following:

1. The replacement of trees proposed for removal or

relocation with trees of a suitable type, size, number, location and date of planting. In determining whether replacement should be required, the Director or Commission shall consider but is not limited to the following factors:

a. The vegetative character of the surrounding area.

b. The number of trees subject to this Chapter which are proposed to be removed in relation to the number of such trees currently existing on the subject property.

c. The anticipated effectiveness of the replacement of trees, as determined by the tree report submitted by the applicant and evaluated by the Planning Director.

d. The development plans submitted by the applicant for the proposed construction or the proposed use of the subject property.

e. The relocation of trees approved for removal shall not be deemed a mitigating factor in determining the need for replacement trees.

f. If replacement is required, and the Director or City Coucnil does not specify substitution as provided herein, such replacement shall consist of at least four (4) trees of the genus for each tree removed. Each replacement tree shall be at least a twenty four inch (24") box or larger, specimen in size, unless otherwise specified.

g. A bond shall be posted to the satisfaction of the City to guarantee the survival of the trees to be replaced or relocated for a period of three (3) years from the date that such trees are replaced.

h. In no case shall an applicant for a tree permit be required to replace or otherwise pay for the value of any trees which the City or other public agency or authorized public official has directed the applicant to remove so that a public street may be constructed or interference with a utility line may be avoided or a hazardous situation abated.

2. A plan for protecting oak trees and historic trees on the subject property during and after development such as, but not limited to, the following requirements:

a. Until development is completed, the installation of chain-link fencing not less than four feet (4') in height around the drip lines of trees shown on the site

plan.

b. The requirement that the applicant provide an individual with special expertise acceptable to the Planning Director to supervise all excavation or grading proposed within drip lines.

c. The requirement that any excavation or grading allowed inside or within five feet (5') of the drip line of a tree be limited to hand tools or small hand-powered equipment.

d. The requirement that trees on other portions of the subject property not included within the site plan also be protected by restricting storage, machinery storage or access during construction.

e. The requirement that the trees identified on the site plan be physically identified by number as designated on such plan in a manner acceptable to the Director.

f. The requirement that corrective measures for trees noted on the tree report as requiring remedial action be taken, including pest control, pruning, fertilizing and similar actions. (Ord. 260, 1-25-93)

5-8-6: EXEMPTIONS FROM PROVISIONS: The following are exempt from the provisions of this Chapter:

A. Emergency: Cases of emergency where the Planning Director, his designee or any member of a law enforcement agency or the Los Angeles County Fire Protection District, in the performance of his duties, determines that a tree poses an imminent threat to the public safety or general welfare. If conditions and circumstances permit, the public official shall consult with the Planning Director or his designee prior to ordering the removal of any mature tree.

B. Line of Sight Restrictions: Removal or relocation of trees necessary to obtain adequate line-of-sight distances as required by the City Traffic Engineer.

C. Damaging Trees: Removal of street trees from within the public right of way which, in the opinion of the Building Official or his designee, will cause damage to existing public improvements.

D. Power or Communication Line Interference: Actions taken for the protection of existing electrical power or communication lines or other property of a public utility.

E. Nursery Trees: Trees planted, grown and/or held for sale by licensed nurseries or the removal, maintenance or transplanting of same pursuant to, and as a part of, the operation of a licensed nursery business.

F. Normal Pruning and Trimming: This Section shall not preclude ordinary pruning or trimming not associated with a proposal for urban development, which does not endanger the life of the tree. (Ord. 164, 2-2-85)

5-8-7: PROCEDURES FOR ESTABLISHING VALUES OF TREES: As specified in subsections 5-8-5E1 and E2 of this Chapter, the Planning Director or his designee may condition a tree removal/ preservation permit for replacement of the certain trees. Replacement value shall be established using one or more of the following procedures:

A. Use of the Guide: Replacement value shall be based upon the most recent edition of the *Guide for Establishing Values of Trees, and Other Plants* prepared by the Council of Tree Landscape Appraisers;

B. Planning Director's Estimate: If mutually agreed upon by the applicant for the tree removal/preservation permit and the Planning Director, the Planning Director or his designee may prepare an estimate of the value of the certain trees; and/or

C. Appraisal: The applicant for a tree removal/preservation permit may submit an appraisal prepared by a horticulturist, arborist or licensed landscape architect. (Ord. 164, 2-2-85; 1994 Code)

5-8-8: APPEALS: Decisions of the Planning Director may be appealed to the City Council within fifteen (15) days of the Director's action. (Ord. 164, 2-2-85; 1994 Code)

5-8-9: VIOLATION AND PENALTIES:

A. No person shall violate any provisions or fail to comply with any of the requirements of this Chapter. Any person violating any of the provisions or failing to comply with any of the requirements of this Chapter or violating a condition of a tree permit granted under authority of this Chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Chapter shall be punishable as set forth in Section 1-5-1 of this Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any

provision of this Chapter is committed, continued or permitted by such person and shall be punishable accordingly.

B. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a nuisance and may be, by this City, summarily abated as such, and every day such condition continues shall be regarded as a new and separate offense. (Ord. 260, 1-25-93; 1994 Code)