

**La Verne Municipal Code
(Excerpts)**

Title 18: ZONING

Chapter 18.78: PRESERVATION, PROTECTION AND REMOVAL OF TREES

18.78.010 Purpose.

The purpose of this chapter is to protect certain trees in order to preserve cultural heritage, maintain and enhance the scenic beauty of the city, improve air quality, abate soil and slope erosion, preserve and enhance property values and thereby promote public health, safety and welfare by:

- A. Identifying significant and heritage trees or groves and establishing procedures to encourage their conservation;
- B. Including consideration of existing trees and their protection in the review and implementation of development proposals;
- C. Requiring permits for the removal and pruning of significant and heritage trees except in emergencies; and
- D. Requiring replacement plantings when significant and heritage trees are removed. (Ord. 999 § 1, 2007)

18.78.020 Definitions.

As used in this chapter:

- A. “**ANSI Standards**” means the American National Standards Institute Standard Practices for Tree Care Operations ANSI A300, 2001.
- B. “**Caliper**” means the maximum cross-sectional width of the trunk of a tree measured at four feet above the natural grade. In the case of multitunked trees, “caliper” means the sum of the calipers of each individual trunk measured at four feet above grade; provided that if the caliper of at least one trunk of the multitunk tree is not at least four inches, the tree shall be regarded as having no caliper for the purposes of this chapter. The community development director or his or her designated landscape architectural consultant may specify the manner in which such measurement shall be made.
- C. “**Certified arborist**” means an individual certified by the International Society of Arboriculture. They are engaged in the profession of arboriculture and, through experience, education, and related training, they possess the competence to provide for or supervise the management of trees and other woody plants.
- D. “**Decision maker**” means the community development director or his or her designee on applications to remove fewer than five significant or heritage trees. “Decision maker” means the development review committee on applications for the removal of five or more significant or heritage trees.

E. **“Grove”** means a group or groupings of native or non-native trees of at least five trees on public or private property in any land use zone, or a group of trees planted in rows for agricultural production, including, but not limited to, avocado, citrus and olive trees.

F. **“Heritage grove”** means any native or non-native tree grove or agricultural grove identified as such by city council resolution. This resolution may be adopted upon the council’s finding all of the following:

1. The grove is viable (i.e., capable of living, developing and germinating under favorable conditions);
2. The grove is producing; and
3. The grove is of significant size, age, historical association, or rareness to warrant protection.

G. **“Heritage tree ”** means any tree or group of trees identified as such by city council resolution upon the city council finding that the tree or group of trees:

1. Is of historical value because of its association with a place, building, natural feature, or event of local, regional, or national historic significance; or
2. Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site or historic district; or
3. Is representative of a significant period of the city’s growth or development; or
4. Is designated for protection or conservation in a specific plan, conditional use permit, precise plan of design or similar development approval; or
5. Is of significant size, age or rareness to warrant protection.

H. **“Multitrunked”** tree shall mean a tree with a division of its trunk at less than four feet above natural grade.

I. **“Private property”** means land not owned by a government agency.

J. **“Protection”** means the safeguarding of trees through proper maintenance, pruning, treatment, fertilizing, feeding and any other necessary means.

K. **“Removal”** means the uprooting, cutting, relocating or severing of the main trunk of the tree or any act which causes, or may be reasonably expected to cause a tree to die or to be seriously damaged, including but not limited to damaging the root system by machinery, storage of materials, or soil compaction, substantially changing the grade above the root system or trunk, excessive pruning, paving with concrete, asphalt, or other impervious material in the vicinity of the tree, or in a manner which may reasonably be expected to kill a tree, or excessive or inadequate irrigation.

L. **“Safety zone”** means the area within the dripline of a tree and extending therefrom either to a point of at least five feet outside the dripline or to a point fifteen feet from the trunk, whichever distance is greater.

M. “**Significant tree**” means any tree that is identified or protected in a specific plan or is protected as a condition of approval of a precise plan, subdivision map, conditional use permit or variance and; any tree located on a parcel of private or public property that has a caliper of eight inches or more and is of the following species:

Genus/Species	Common Name
Cedrus deodara	Deodar Cedar
Cinnamomum camphor	Camphor Tree
All Quercus species of Oak	Oak Trees
Platanus racemosa	California Sycamore
Juglans californica	Southern California Black Walnut

Provided, however, that “significant tree” shall not include any tree under thirty-six inches in caliper located on a private parcel of property of less than one acre zoned for residential use. In determining the size of the parcel, contiguous lots in common ownership shall be treated as a single parcel. (Ord. 999 § 1, 2007)

18.78.030 Removal of significant or heritage trees or heritage groves without permit prohibited.

Except as provided in Section 18.78.040, no person shall remove or cause the removal of any significant or heritage tree unless a tree or heritage grove removal permit is first obtained. (Ord. 999 § 1, 2007)

18.78.040 Exceptions to permit requirement.

No permit shall be required for:

- A. Pruning undertaken or supervised by a certified arborist;
- B. Emergency trimming to maintain overhead public utility lines, existing subsurface water, sewer or utility lines;
- C. Removal of damaged parts of a tree which has sustained an injured trunk, broken limbs, or uprooting as a result of storm damage or other acts of God, which create a hazard to life or property;
- D. Removal pursuant to a written determination by the city landscape architect or arborist, after visual inspection and scientific evaluation, that the tree is so diseased or damaged that it is no longer viable or a threat to other protected, indigenous species.
- E. Removal of a significant tree(s) resulting from the complete renovation of an existing landscape program less than twenty years old on commercial or industrial sites. This shall only occur upon

approval of the development review committee pursuant to Section 18.16.080(E) of this code. (Ord. 999 § 1, 2007)

18.78.050 Application and fees.

Prior to the granting of a tree removal permit, an application for removal shall be submitted to the community development department. The application shall be in the form required by the community development department and shall be accompanied by the fee established by the city council. (Ord. 999 § 1, 2007)

18.78.060 Application contents.

Pursuant to the provisions of Chapter 18.16 of this code and this chapter, the community development director may, before accepting an application for a tree removal permit, pruning permit or development review as complete, may require the following:

- A. A comprehensive survey of all trees subject to this chapter, including, but not limited to, species, number, height, size, age, caliper, condition, historic significance and location. The plan shall include both tables and a site plan at a scale determined by the city landscape architectural consultant. The plan shall further tabulate the number of trees to be removed and contain a written justification for removal;
- B. Any other items required by the community development director or his or her designee appearing on the application checklist. (Ord. 999 § 1, 2007)

18.78.070 Action on application.

Upon determination by the director or his or her designee that a complete tree removal application has been filed, the director or his or her designee shall conduct an on-site inspection. After the inspection, the decision maker shall approve, approve with conditions, or deny this permit application. (Ord. 999 § 1, 2007)

18.78.080 Time for review.

A permit application not filed in connection with a development proposal shall be approved or denied within forty-five days after the application is deemed complete, unless the applicant agrees to an extension. A permit application made in connection with a precise plan of design, conditional use permit, variance, zone change, parcel map or tentative tract map shall be considered concurrently with the other approvals. (Ord. 999 § 1, 2007)

18.78.090 Findings required for approval.

Before granting a tree removal permit, the decision maker shall make one or more of the following findings in writing:

- A. That the tree is so damaged or diseased that it cannot be effectively preserved, or its presence is a threat to other protected trees;
- B. That the applicant has demonstrated that the retention of the tree would pose a threat to the health, safety or welfare of the inhabitants of the property in question;
- C. That the applicant has demonstrated that reasonable and necessary access to the property cannot be obtained if the tree is preserved;
- D. That the applicant has demonstrated that retention of tree prevents reasonable use and enjoyment of the property on which it is located;
- E. That good forestry practices, as evidenced by the report of the city landscape architectural consultant or actions, justify the removal of the tree. (Ord. 999 § 1, 2007)

18.78.100 Approval—Conditions.

Tree removal permits shall include such conditions as are appropriate to affect the purposes of this chapter. Those conditions may include, but are not limited to, the following:

- A. The replacement of the trees proposed for removal with trees of a suitable size, number and species, as described in Section 18.78.140;
- B. Implementation of a comprehensive protection program consisting of any combination of the following sufficient to satisfy the approving body:
 - 1. A calculation of the number of trees to be protected and a list by species of the replacement trees provided at least in the ratios set forth in Section 18.78.140,
 - 2. A program to monitor and protect the tree stock from construction, irrigation damage, incorrect pruning,
 - 3. A five-year minimum maintenance program secured by a cash bond to the satisfaction of the finance officer,
 - 4. Development of conditions, covenants and restrictions, landscape easements, assessment districts, or other tools to protect significant ecological resources, significant and heritage trees,
 - 5. Standards and specifications for tree location, replacement and new planting, providing for both cosmetic improvements and the development of stands or groves approximating natural conditions,
 - 6. Tree protection measures as specified in this chapter.

C. The retention of a qualified arborist to supervise all pruning, relocation and trimming of significant or heritage trees.

D. If the original mulch around the tree has been disturbed, the tree shall be protected through the use of an approved header around the dripline and with a natural organic mulch fill (walnut shells, bark, woodchips) inside the drip line. (Ord. 999 § 1, 2007)

18.78.110 Denial for lack of information.

The decision maker may deny without further action any application for a removal permit if such application does not contain the pertinent, city required information. However, the decision maker may allow the applicant to amend the application in order to complete processing. (Ord. 999 § 1, 2007)

18.78.120 Appeals.

Any interested party may appeal any determination of the community development director or his or her designee made under this chapter to the planning commission by filing a written notice of appeal with the community development director within ten days of the issuance of the notice of determination.

Upon receipt of a timely appeal from a decision of the community development director or his or her designee, the community development department shall set a hearing on the matter before the planning commission. Not less than five days prior to the hearing date, notice of time, date and place of hearing shall be mailed to the appellant, applicant, and to the property owners residing within three hundred feet of property in question. After the hearing on an appeal, the commission may reverse, affirm or modify the decision of the community development director. (Ord. 999 § 1, 2007)

18.78.130 Tree evaluation.

As part of any development application, the community development director may require that the applicant submit a tree report which shall include, as a minimum, data regarding genus and/or species, age, size (including canopy, caliper, trunk and height), relative health, and any preservation proposals for all protected trees on the site. The tree report shall be prepared by a licensed architect or a certified arborist approved by the city. (Ord. 999 § 1, 2007)

18.78.140 Replacement required.

Unless the development review committee determines that replacement is inappropriate in view of the goals of this chapter, significant and heritage trees removed shall be replaced with a species designated by the community development director or his designee according to the following schedule:

Caliper Width of Tree	Number Removed	Replace With	Minimum Size
10" and under	1	4	24" box
10—14"	1	4	36" box
15—29"	1	4	48" box
30" +	1	4	60" box

(Ord. 999 § 1, 2007)

18.78.150 Tree relocation.

Where a significant or heritage tree is to be relocated on-site, the owner or applicant shall submit a letter from a licensed professional describing the relocation method to be used for all trees slated for relocation, and shall provide the city with a five-year survival guarantee. Should the tree(s) not survive the five-year period, replacement shall occur in accordance with Section 18.78.140. (Ord. 999 § 1, 2007)

18.78.160 Required protective measures.

The following protective measures are established to further preserve trees protected by this chapter during development or redevelopment activity:

- A. No grading construction, or construction related activities shall occur within the safety zone of a heritage tree or a significant tree as defined by this chapter, including, but not limited to, storage of materials, grade changes, or attachment of wires to or around tree trunks, stems or limbs.
- B. No structure or impervious paving shall be located within the safety zone or within a six-foot radius of the trunk perimeter, whichever is greater, of any heritage tree or significant tree. A tree with a caliper of thirty inches or more shall require additional space as determined by the city landscape architectural consultant or parks director.
- C. Heritage trees and significant trees shall be shielded from damage during construction by chain link and steel stake fence enclosing the entire safety zone area. All exposed roots shall be inside the fence or barrier, which shall have a minimum height of four feet measured from grade. In all cases where a fence or barrier is to be used around a protected tree, the fence or barrier shall be installed prior to commencement of any development on the site and shall remain in place throughout the construction period.
- D. Branches that could be injured by vehicles or that interfere with construction shall be pruned to the satisfaction of the city landscape architectural consultant or designee. (Ord. 999 § 1, 2007)

18.78.170 Pruning practices.

Pruning of significant trees, heritage trees, groves, or any tree that is defined under this chapter, shall be performed in accordance with Occupational Safety and Health Administration (OSHA) standards and the American National Standards for Tree Care Operations, American National Standards Institute (ANSI A-300 Standard Practices—Pruning). (Ord. 999 § 1, 2007)

18.78.180 Pruning permits.

A pruning permit is required for all “significant trees” in all zones, including trees on residential properties under one acre if over thirty-six inches in caliper and requires the following:

- A. A no-fee tree pruning permit issued by the community development department.
- B. A city business license to perform the work. (Ord. 999 § 1, 2007)

18.78.190 Exceptions to permit requirement.

No permit shall be required for:

- A. Pruning undertaken or supervised by a certified arborist;
- B. Emergency trimming to maintain overhead public utility lines;
- C. Removal of damaged parts of a tree which has sustained damage as a result of storms or other acts of God, which create a hazard to life or property;
- D. Removal pursuant to written determination by the city landscape arborist or designated representative that the tree is so diseased or damaged that it is no longer viable or a threat to other protected species;
- E. Pruning of significant trees on residential properties if under thirty-six inches in caliper;
- F. City trees. (Ord. 999 § 1, 2007)

18.78.200 Penalties.

Notwithstanding the provisions of Section 1.24.010, establishing the penalty for violation of the Municipal Code as a misdemeanor, the city prosecutor, in his or her sound discretion, may prosecute a violation of this chapter as an infraction rather than as a misdemeanor. Every person, firm partnership, association or corporation convicted of an infraction for violation of any provision of this chapter shall be punished by a fine not exceeding one hundred dollars for a first violation, a fine not exceeding two hundred dollars for a second violation of the same section within one year and a fine not exceeding five hundred dollars for each additional violation of the same section within one year. A

fourth violation within one year shall constitute a misdemeanor. Each day such violation continues may be regarded as a new and separate offense. (Ord. 999 § 1, 2007)