

**La Canada-Flintridge Municipal Code
(Excerpts)**

Title 4: PUBLIC WELFARE

Chapter 4.26: PRESERVATION, PROTECTION, AND REMOVAL OF TREES

4.26.010 Purpose.

The purpose of this chapter is to preserve and protect the trees of this city that are of historic or aesthetic importance, and to provide for the protection and replacement of trees in order to maintain the community's wooded character; protect the scenic beauty of the area; reduce erosion of top soil, flood hazard, risk of landslides, and cost and maintenance of drainage systems through reduced flow and diversion of surface waters; and to address fire concerns by discouraging the planting of pines, deodar cedars and other highly flammable trees. The intent is to preserve and encourage the regeneration of a healthy urban forest that contributes to clean air, soil conservation, shade and windbreak protection, moderation of climatic extremes, aesthetics, enhanced property values and quality of life. (Ord. 322 §2 (part), 2001)

4.26.020 Application and definitions.

- A. Properties Affected. This chapter applies to all properties in the city, publicly and privately owned.
- B. Definition of Removal. "Removal" means the uprooting, cutting or severing of the main trunk of the tree, cutting or disturbing the root system, grading or trenching within the drip-line, or any act, which causes the tree to die within six months.
- C. Excessive Trimming of Regulated Trees. Any tree subject to this chapter that is excessively trimmed such that the tree dies within six months due to that trimming shall be considered to have been removed without a permit. Excessive trimming shall include tree pruning of more than twenty-five percent (25%) of the live canopy within any one-year period. For roots, it shall include the removal of more than an estimated twenty-five percent (25%) of the live root mass in any two-year period, or cutting of any root with a diameter of three inches or greater.
- D. Healthy Tree. A healthy tree is any tree exhibiting good structural integrity, free of serious diseases, and maintaining normal appearance appropriate to the species including size of tree and leaves, normal coloration, and displaying normal vigor and growth characteristics of the species. Health and condition shall be determined consistent with the "Guide for Plant Appraisal", an International Society of Arboriculture (ISA) publication (most recent edition).
- E. Topping of Trees. Topping means the removal of the highest part of a tree by the use of a large headingcut.
- F. Maintenance or Maintain. "Maintenance" or "maintain" means and includes pruning, spraying, bracing, staking, treating for disease or injury or other work performed to promote the life, growth, health or beauty of trees.
- G. Commercial Tree Service. A service hired for the purpose of trimming or removing trees. (Ord. 322 §2 (part), 2001)

4.26.030 Tree removal.

A. Single Family Residential Uses. The removal of trees on properties with single family residential uses shall be regulated as follows:

1. Removal of Trees. No native oak, sycamore, deodar cedar, Chinese elm or California pepper tree with a trunk measuring twelve (12) inches or more in diameter (as measured at a point four feet from the ground surface at the natural grade) shall be removed without a tree removal permit issued by the city. Where a tree trunk is divided below four feet above grade, the diameter of all trunks (as measured four feet from the natural grade) shall be added to determine tree diameter.

B. Uses other than Single Family Residential. The removal of trees on properties where the use is other than single family residential shall be regulated as follows:

1. Removal of Trees. No tree shall be removed without a tree removal permit issued by the City as required in Section 4.26.050 of this chapter, and a landscape plan incorporating all the elements of the tree plan as required in subsection (C) of this section. The landscape plan shall show all existing protected trees and proposed trees, shrubs and ground covers by their type, size and location on the property. This landscape plan requirement may be modified or waived by the city manager or designee.

C. Tree Plan Required - All Uses. Prior to issuance of any building permit for a new structure or expansion of the footprint of an existing structure no matter how small or if only addition of a second story, grading permit or permit for demolition, the applicant shall submit to the city a tree plan. The tree plan shall provide the following information and is subject to all provisions listed below:

1. The location of all protected trees as defined *in* Section 4.26.030.A.I. For all projects requiring discretionary city review, tree identification tags that correspond with the submitted plan shall be installed for field verification. For projects on non-residential property, all trees shall be indicated;

2. The plan shall show the location, size and species of all trees to be removed, the reason for removal, and all trees to be retained. Any trees proposed for removal due to poor health or condition shall have the condition of the tree documented in a letter report prepared and signed by an arborist certified by the ISA.

3. The plan shall show the existing and proposed grades, existing and proposed improvements, and septic tanks and utility lines located within thirty (30) feet of potentially removed trees, retained trees, and trees to be planted;

4. During the construction phase, all applicants shall comply with tree protection guidelines as defined in Section 4.26.040 of this chapter.

5. The director of community development shall notify the applicant of the requirement to obtain a tree removal permit for those trees on the tree plan which are intended to be removed and which are subject to the provisions of this chapter.

6. Arborist review of the tree plan may be required per the determination of the director of community development or his/her designee. Said arborist shall be contracted and managed by the city and all fees incurred shall be the responsibility of the property owner.

D. For purposes of processing under the California Environmental Quality Act (CEQA), any affected oak, deodar cedar, sycamore, Chinese elm or California pepper tree which is thirty-six (36)

inches or greater in diameter shall be considered mature or scenic, and shall be subject to the environmental review processes related thereto. (Ord. 322 §2 (part), 2001)

4.26.040 Tree Protection Guidelines.

A. A “protection zone,” as identified below, must be provided for any tree shown to be retained according to the tree plan submitted. At a minimum, any tree with a base located within fifteen (15) feet of the grading and development activity must have a protection zone. A protection zone which is less than that defined below must be submitted in writing and approved by the director of community development prior to commencement of construction activity on the site. For uses other than single family residential, an approved landscape plan may be used to address these issues.

1. Protective Barriers. Any tree which is shown on the tree plan to be saved shall be enclosed by an appropriate construction barrier, such as chain link fencing or other means acceptable to the director of community development, prior to the commencement of work.

a. Such barrier(s) must be located a distance from the trunk base of two times the trunk diameter, up to a maximum of fifteen (15) feet, unless otherwise approved in writing by the director.

b. Barriers are to remain in place during all phases of construction and may not be removed until completion of grading and development activities.

c. When additional landscaping is required for the granting of occupancy, protective fencing may be removed only for purposes of installing compatible landscaping within the fenced area.

2. Distance to Structures and Paving. No structure or impervious paving shall be located closer to the outer trunk circumference of a tree covered by these guidelines than a distance equivalent to two times the trunk diameter, up to a maximum of fifteen (15) feet, unless otherwise addressed in a modified protection zone plan.

3. Fill Materials—Distance. No fill material shall be placed within three feet from the outer trunk circumference of any tree covered by these guidelines.

4. Fill Materials — Depth: No fill materials in excess of eighteen (18) inches in depth shall be placed within the drip line of any tree covered by these guidelines. This guideline is subject to modification to meet the needs of individual tree species, as determined by a Certified Arborist or Licensed Landscape Architect.

5. Soil Compaction: No substantial compaction of the soil shall be undertaken closer to the outer trunk circumference of a tree covered by these guidelines than a distance equivalent to two times the trunk diameter, up to a maximum of fifteen (15) feet, unless otherwise addressed in a modified Protection zone plan.

6. Root System Protection—General: No construction, including structures and walls, that disrupts the root system shall be permitted. As a guideline, no cutting of roots should occur within a distance equal to three-and-one-half (3 1/2) times the trunk diameter, as measured at ground level. Actual setback may vary to meet the needs of individual tree species as determined by a certified arborist or Licensed Landscape Architect. When some root removal is necessary, the tree crown may require thinning to prevent wind damage.

7. Root System Protection—Structural or Absorptive Roots: No substantial disruption or removal of the structural or absorptive roots of any tree covered by these guidelines shall be performed, whether or not within the protection zone.

8. Pruning During Construction. Branches that could be damaged by vehicles or that interfere with the development activity must be pruned by a licensed contractor, as required by California law.

9. Additional Measures: The director of community development may impose additional measures determined necessary to preserve and protect the health of trees to remain, and new trees planted to replace those removed. (ORd. 322 § 2 (part), 2001)

4.26.050 Criteria for approving tree removal permit.

A. Subject to the imposition of conditions pursuant to subsection (B) of this section, a permit may be issued in any of the following instances.

1. Where the tree itself, its excess foliage or its limbs is interfering with a structure or building and there is no feasible alternative to mitigate the interference.

2. Where, upon taking into account the size, shape, topography and existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner.

3. Where a written determination has been made by an ISA certified arborist after a visual inspection and scientific evaluation, that the tree is so diseased or damaged that it is no longer viable or is a threat to property or to other trees. The director may waive the requirement for an arborist's statement when the tree can reasonably be determined to be dead by a lay person's visual inspection; or when, after conducting an inspection of the tree, the director determines that the tree poses an obvious and imminent threat to life or property.

4. Where the removal of one or more trees in an urban grove is necessary for the preservation of the health of the grove as determined by an ISA certified arborist.

5. Where the fire department has deemed that removal of the tree(s) is critical to providing an effective firebreak. This provision does not apply to trees, ornamental shrubbery and other cultivated ground cover that does not provide a solid means of readily transmitting fire.

B. A tree removal permit may be issued which is conditional upon the replacement of the tree(s) onsite. Such replacement shall be subject to the following provisions:

1. Designation by the director or planning commission of the number, size, species and location of replacement tree(s) based on consideration of the size and species of the established tree(s) proposed for removal, the significance the tree(s) proposed to be removed has on the landscaping as seen from public view, the size of the lot and the number of existing trees on the lot;

2. Because of their size and/or significance, single tree(s) that have been removed may be required to be replaced with multiple trees, subject to review and approval by the director of community development or his/her designee. If the subject property cannot accommodate multiple trees, alternative locations within the city (public right-of-way, park, etc.) may be designated;

3. An existing tree(s) onsite may be designated to serve as a replacement tree(s);

4. If replacement trees are required, the property owner must agree to accept the conditions of replacement by his/her signature on the application before issuance of the permit.

5. When the work designated in the permit is completed, the applicant shall call the planning department for an inspection of the work;

6. Should the tree designated as a replacement not survive for a period of at least two years, further replacement shall be required;

7. Where the permit allows the removal and replacement of a substantial number of trees, as determined by the director of community development, the applicant shall post a bond or surety to replace the trees, which do not survive a two-year period. The amount of the bond or surety shall be in strict accordance with the "Guide for Plant Appraisal", an International Society of Arboriculture (ISA) publication (most recent edition).

8. Unless otherwise stated in the conditions of approval, the permit shall be valid for a period of one year. (Ord. 322 §2 (part), 2001)

4.26.060 Issuance of tree removal permit.

A. Concurrent Processing. A permit application made in connection with a development proposal shall be considered concurrently and within the time limits mandated by state or local laws or regulation for the approval of such proposals.

B. Single Family Residential Uses—Up to Two Trees. Upon receipt of a complete application, the director (or designee) shall conduct an onsite inspection and make a determination whether to approve or deny the removal of up to two trees. When the determination has been made either to approve or to deny the permit, the director shall notify the applicant and the property owner of said determination by first class mail.

C. Three or More Trees on Single Family Residential Uses. and All Application for Other Uses. When three or more affected trees are proposed for removal on a single family residential parcel, or when two or more affected trees are proposed for removal on a parcel other than single family residential, the planning commission shall determine whether and upon what conditions a permit shall be granted.

D. Upon receipt of a complete application, the director shall conduct an onsite inspection and make a recommendation for consideration by the planning commission. The director shall then notify by first class mail the owners of adjacent and adjoining properties, including property touching only at a corner, of the proposed action on the permit and the date, time and location upon which the planning commission shall act upon the application. (Ord. 322 §2 (part), 2001)

4.26.070 Appeals.

A. Any interested party may appeal the decision of the director or planning commission in accordance with Chapter 11.49 of the zoning code. (Ord. 322 §2 (part), 2001)

4.26.080 Tree Trimming.

A. All Uses. The trimming of protected trees on any property within the city shall be regulated as follows:

1. Except as otherwise provided, only commercial tree services shall trim protected trees on single-family residential property and any tree, regardless of species or size, on nonresidential property. The commercial tree service shall be licensed with the city. In order to obtain city licensing, all persons must first:

- a. Provide proof of certification with the Western Chapter of the International Society of Arboriculture (ISA); or
- b. Provide proof of possession of a state contractors license (C6 I/D49 Tree Contractor); or
- c. Attend city approved tree pruning classes and demonstrate knowledge of pruning techniques by passing a written examination.

2. A property owner may trim or prune a protected tree on his/her property provided that all work is performed solely by the property owner.

3. No more than twenty-five percent (25%) of the live canopy of protected trees may be removed within any 1-year period. For roots, it shall not include the removal of more than an estimated twenty-five percent (25%) of the live root mass in any two-year period or cutting of any root with a diameter of three inches or greater. Topping of protected trees is prohibited. All trimming of protected trees shall be completed per the Tree Pruning Guidelines of the ISA. (Ord. 322 §2 (part), 2001)

4.26.090 Exceptions to the permit or license requirement.

A. A permit or license is not required for routine or emergency trimming, pruning or removal done in order to protect or maintain overhead public utility lines, or existing subsurface water, sewer, or other utility lines, or to provide thirteen (13) to sixteen (16) feet of vertical roadway clearance for fire fighting apparatus, regardless of whether the tree dies as a result of trimming or pruning.

B. A permit is not required for the emergency removal of damaged parts or all of a tree which is diseased or has sustained an injured trunk, broken limbs or been uprooted as a result of accident or of storm damage or other acts of God and is an immediate hazard to life or property.

C. A permit is not required where the city has designated the tree(s) a public nuisance under am' of the conditions listed in Section 4.26.040 of this chapter.

D. Where a tree is removed under the conditions stated in subsection (B). or (C) of this section, the person removing the tree, or causing it to be removed, shall notify the city of the action within forty-eight (48) hours of completing the removal or trimming.

E. A license is not required to trim or prune a tree in order to remove portions that extend within ten feet of the outlet of a chimney or any portion of the roof. (Ord. 322 §2 (part), 2001)

4.26.100 Enforcement and penalties.

A. For all uses, removal or excessive trimming of any protected tree(s) without a permit or in violation of the conditions of a permit, or trimming by a commercial service not in possession of a city license, or subsequent offenses within a one-year period shall be a misdemeanor and subject to the fines and related penalties of Section 1.04.010 of this code. Each protected tree that is removed or excessively trimmed without a permit or license or in violation of the conditions of a permit shall be considered a separate violation. Further, licensed commercial tree services responsible for excessive

trimming of any protected tree(s) or removal of any protected tree(s) without a permit or in violation of the conditions of the permit shall be subject to license suspension of up to six months for a first offense. Subsequent offenses may result in extended license suspension or revocation, pending review by the director of community development. A commercial service provider who has had their license revoked may apply for a new license one year after revocation.

B. In addition to any penalties imposed pursuant to subsection (A) of this section, any person who illegally removes or excessively trims trees may be required to replace said tree(s) on a minimum one-for-one basis within thirty(30) days of notice by the city. In some instances, the director of community development or planning commission may require a greater number of replacement trees to mitigate the impact. The number of replacement trees shall be based on consideration of the size and species of the established tree(s) removed, the significance the tree(s) that has been removed had on the landscaping as seen from public view, the size of the lot and the number of existing trees on the lot. Replacement trees must be a minimum thirty-six (36) inch box size, with box size, species and planting location at the discretion of the director of community development or planning commission.

C. If replacement tree(s) are not feasible on-site or the number of replacement trees to mitigate the impact can not be accommodated on-site, the property owner may be required to provide restitution to the city by paying a cash contribution in an amount equal to the estimated replacement value of the removed or excessively trimmed trees as determined by the "Guide for Plant Appraisal", an International Society of Arboriculture (ISA) publication (most recent edition). All fines received by the city under this section shall be deposited in a tree replacement fund designated for planting trees within the public areas of the city as determined by the city. (Ord. 322 § 2 (part), 2001)