

**WEST COVINA MUNICIPAL CODE**  
**(Excerpts)**

**Chapter 26: ZONING**

**Article VI: PROCEDURES, HEARINGS, NOTICES, FEES AND CASES**

**Division 9: PRESERVATION, PROTECTION AND REMOVAL OF TREES**

**Sec. 26-288. - Purpose.**

The purpose of this division is to provide protection for the trees of this city that are of historic, aesthetic or environmental importance. This section seeks to preserve the cultural and historic heritage that the city's trees represent; to maintain the scenic beauty of the city; and, by the conservation of energy, the abatement of soil and slope erosion, and the enhancement of air quality, to improve the environment of the city. These purposes will be accomplished by:

- (1) Identifying significant trees and heritage trees and establishing procedures to encourage their preservation;
- (2) Including consideration of existing trees and their protection in the review and implementation of development proposals;
- (3) Requiring permits for the removal of significant trees, heritage trees, and trees on public property except in emergencies; and
- (4) Requiring replacement planting when significant trees, heritage trees, and trees on public property are removed.

---

*(Ord. No. 1864, § 2, 11-12-90)*

---

**Sec. 26-289. - Definitions.**

As used in this division:

- (1) **Arborist** shall mean a person who is a California Certified Arborist; a person accredited by the International Society of Arboriculture in California.
- (2) **Caliper** shall mean the maximum diameter of the trunk of a tree measured at four-and-a-half (4.5) feet above the natural grade. In the case of multi-trunked trees, "caliper" shall mean the sum of the calipers of each individual trunk measured at four-and-a-half (4.5) above grade.
- (3) **Development activity** means the work done pursuant to a development proposal approved by the city.
- (4) **Development application** is any application for a construction permit, precise plan of design, conditional use permit, variance, tentative subdivision map or a similar approval for the development of property.
- (5) **Dripline** shall mean an imaginary line on the ground, at the furthest extension of the canopy around the circumference of the tree. Typically, the dripline is not a perfect circle.

(6) (a) **Heritage tree** shall mean any tree(s) identified as such by planning commission resolution upon the commission finding that the tree or group of trees:

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

(b) **Heritage tree** shall also mean any of the Southern California black walnut tree species (*Juglans californica*), located in the San Jose Hills as found within West Covina's jurisdictional boundaries.

1. This definition shall not affect those Southern California black walnut trees located on R-1 and R-A lots created by any subdivision approved and recorded prior to the effective date of the ordinance enacting this subsection.
2. Any Southern California black walnut tree located on those O-S (Open Space) lots created under the density transfer standards outlined in section 26-703, shall further be protected under the guidelines contained in this section.

(7) **Multi-trunked tree** shall mean a tree with a division of its trunk at less than four-and-a-half (4.5) feet above natural grade.

(8) **Permit** means a tree removal and/or relocation permit, and pruning of any tree in the Oak family.

(9) **Protection** shall mean the safeguarding of trees through proper maintenance, pruning, treatment, fertilizing, feeding, and any other necessary means (standards of California Certified Arborists).

(10) **Public tree** means any tree planted in or upon any street, park, parkway or public place in the city.

(11) **Removal** means the uprooting, cutting, 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. These acts include, but are not limited to, damaging the root system by machinery, storage of materials within the dripline, soil compaction within the dripline, substantially changing the grade around the root system or trunk, excessive pruning, paving with concrete, asphalt or other inadequate irrigation; or by attachment of signs or artificial material piercing the bark of the tree by means of nails, spikes or other piercing objects.

(12) **Significant tree** is a tree located on private and/or public property that meets one or more of the following requirements:

- a. is located in the front yard of a lot or parcel and has a caliper of one (1) foot or more;
- b. is located in the street-side yard of a corner lot and has a caliper of one (1) foot or more;
- c. is located anywhere on a lot, has a caliper of six (6) inches, or more, and is one of the following species:

<b>Common Name</b>	<b>Genus/Species</b>
<b>Oak (any oak tree native to California, including, but not limited to:</b>	
<b>Valley Oak</b>	<b>Quercus lobata</b>
<b>California Live Oak</b>	<b>Quercus agrifolia</b>
<b>Canyon Oak</b>	<b>Quercus chrysolepis</b>
<b>Scrub Oak</b>	<b>Quercus dumoso</b>
<b>Mesa Oak</b>	<b>Quercus engelmannii</b>
<b>Interior Live Oak</b>	<b>Quercus wislezenii</b>
<b>California Sycamore</b>	<b>Platanus racemosa</b>
<b>American Sycamore</b>	<b>Platanus occidentalis</b>

*(Ord. No. 1864, § 2, 11-12-90; Ord. No. 1889, § 2, 10-7-91)*

**Sec. 26-290. - Permit required.**

- (a) No person, firm or corporation shall remove, relocate or destroy any significant tree on private or public property within city limits (including an applicant for a building permit) without first obtaining a tree removal permit from the planning division. Any significant tree located in or on public property requires a tree permit approval from both the planning division and maintenance department.
- (b) No person, firm or corporation shall remove, relocate or destroy any heritage tree on private or public property within city limits (including an applicant for a building permit) without first obtaining a tree removal permit from the planning commission. The required mailing labels for the one hundred foot (100) property owner notification shall be supplied by the applicant.
- (c) No person shall prune or trim more than ten (10) per cent of live foliage or limbs from any oak tree as defined in this article, or cause the same to be done, unless an excess pruning permit is first obtained from the planning division.
- (d) Pursuant to Chapter 24 of the West Covina Municipal Code no unauthorized person shall remove, destroy, prune or trim any portion of any tree located in or on public property. In

addition, any tree with a caliper of one (1) foot or larger located on public property requires a tree permit approval from both the planning director and superintendent of maintenance operations.

(e) No tree permit shall be issued for the removal of any heritage tree or significant tree on any lot associated with a development application, unless all discretionary approvals have been obtained from the city.

(f) No tree permit shall be issued to remove any Oak (*Quercus*) which is greater than three (3) feet in caliper if the purpose or the removal is to allow for an accessory property use of landscape change or driveway approach.

---

*(Ord. No. 1864, § 2, 11-12-90; Ord. No. 2030, § 4, 4-20-99)*

---

### **Sec. 26-291. - Exceptions to permit requirement.**

No permit shall be required for:

(1) Emergency or routine trimming or pruning to protect or maintain overhead public utility lines, existing subsurface water, sewer or utility lines.

(2) Emergency 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 natural disaster or catastrophe, which create a hazard to life or property.

(3) When a written determination has been made by the city maintenance director or arborist, after visual inspection and scientific evaluation, that the tree is so diseased or damaged that it is no longer viable or is a threat to other protected plant species.

(4) Trees planted, grown, and/or held for sale by licensed nurseries and/or tree farms or the removal or transplanting of such trees pursuant to the operation of a license nursery and/or tree farms.

(5) Trees within existing or proposed public rights-of-way where their removal or relocation is necessary to obtain adequate line-of-sight distances as required by the city engineer.

(6) Trees which, in the estimation of the city engineer, will cause damage to existing public improvements.

---

*(Ord. No. 1864, § 2, 11-12-90)*

---

### **Sec. 26-292. - Application and fees.**

An application for a tree permit shall be filed with the planning division. The application shall be on the forms prescribed by the planning commission and shall be accompanied by the fee established by city council.

---

*(Ord. No. 1864, § 2, 11-12-90; Ord. No. 2030, § 4, 4-20-99)*

---

**Sec. 26-293. - Permit procedure.**

(a) **Private property.** Where an application for a tree permit is filed on private property the following procedure is hereby established:

(1) Upon receipt of the application, the planning director or designee shall investigate the site and evaluate the request. The decision to issue or deny the permit and any conditions of the permit shall be based on the following criteria:

- a. The condition of the tree(s) with respect to disease, damage, danger of collapse of all or any portion of the tree(s), proximity to an existing or proposed primary structure, and interference with utility services, age or remaining life span and whether or not the tree acts as a host for a plant which is parasitic to other species of trees which are in danger of being infested.
- b. Where, upon taking into consideration the size, shape, topography and existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner (i.e., prohibit the construction of a primary structure or deny a property right possessed by other property in the same vicinity and zone).
- c. The number, species, size, and location of existing trees in the area and the effect of the requested action in terms of providing shade, protection from wind, air-pollution reduction, historic value and scenic beauty upon the health, safety, aesthetics, and general welfare of the area or neighborhood.
- d. The topography of the lot or parcel and the effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow of surface water.
- e. Whether or not such tree(s) is required to be preserved by any precise plan or other approved plans on record.

(2) Subsequent to investigation:

**Significant trees:** The planning director may approve, conditionally approve or deny the removal application (or oak-pruning application).

**Heritage trees:** The planning commission may approve, conditionally approve or deny the removal application (in case of oak pruning, the planning director may approve or deny the application).

Any conditions deemed necessary to implement this regulation, include, but are not limited to:

- a. Replacement of the removed or cut down tree(s) with a tree(s) of comparable species, size, and condition as determined by the planning director in the case of significant trees and the planning commission in the case of heritage trees

b. The relocating of the tree(s) on-site or off-site provided that the owner or applicant submit a report from an arborist describing the relocation method, and shall provide the city with a one (1) year survival guarantee. Should the tree(s) not survive the survival period, replacement shall occur in accordance with section 26-293(a)(2)(a).

c. Payment of the proper restitution value of the tree(s), or donation of a boxed tree(s) to the city or other public agency to be used elsewhere in the community should a suitable replacement location of the tree(s) not be possible on-site or off-site.

(b) ***Associated with a development application.*** Where an application for a tree permit is associated with a development application, the following procedure is hereby established:

(1) Upon receipt of the application, the planning director or designee shall investigate the site and evaluate the application on the basis of the following criteria:

a. The condition of the tree(s) with respect to disease, damage, danger of collapse of all or any portion of the tree(s), proximity to an existing or proposed primary structure, and interference with utility services, age or remaining life span and whether or not the tree acts as a host for a plant which is parasitic to other species of trees which are in danger of being infested.

b. The number, species, size, and location of existing trees in the area and the effect of the requested action in terms of providing shade, protection from wind, air-pollution reduction, historic value and scenic beauty upon the health, safety, aesthetics, and general welfare of the area or neighborhood.

c. Whether or not the removal of the tree(s) is necessary to construct required improvements within the public street right-of-way or within a flood-control or utility right-of-way.

d. Whether or not the tree(s) could be preserved by pruning and proper maintenance or relocation rather than removal.

e. The necessity to remove the tree(s) in order to construct improvements which would allow economic enjoyment of the property.

f. Whether or not such tree(s) constitutes a significant natural resource of the city, or is designated as a heritage tree.

(2) The planning director, or designee, shall complete the site investigation and make a report to the planning commission. The planning commission shall review the tree permit and said report at the same time as the development application, and shall conduct a public hearing when required. Said permit shall be considered concurrently with the development application.

(3) Permit notification. The public hearing notification required by section 26-206 shall include a description of the tree removal permit request.

(4) The planning commission shall approve, conditionally approve or deny the application to remove or relocate any significant tree(s) or any heritage tree(s). The planning commission may impose conditions deemed necessary, including, but not limited to:

a. Replacement of the removed tree(s) with a tree(s) of comparable species, size and condition as determined by the planning commission.

b. The relocating of the tree(s) on-site or off-site provided that the owner or applicant shall retain an arborist who shall submit a report to the planning director which describes the relocation method, whether location is favorable to the survival of the tree and shall provide the city with a five (5) year survival guarantee. Said arborist shall supervise all pruning and relocation procedures. Should the tree(s) not survive the survival period, replacement shall occur in accordance with section 26-293(b)(4)(a). A bond shall be posted with the city to ensure conformance with this regulation.

(c) **Public property trees.** The provisions outlined in Chapter 24, Article II, of the West Covina Municipal Code shall be observed except in the case when significant trees, heritage trees, or any tree with a caliper of one (1) foot or larger located on public property, is affected. In these cases, a tree permit application is necessary and the following additional procedures are hereby established:

(1) **Significant trees:** A tree permit for any significant tree is subject to the approval from both the maintenance director and the planning director. The decision to issue or deny the permit is subject to the criterium outlined in section 26-293(a)(1) and any conditions deemed necessary as per section 26-293(a)(2).

(2) **City trees:** A tree permit for any public tree which has a caliper of one (1) foot or more, is subject to approval from both the maintenance director and the planning director. The decision to issue or deny the permit is subject to the criterium outlined in section 26-293(a)(1) and conditions deemed necessary as per section 26-293(a)(2).

(3) **Heritage trees:** A tree permit, and mailing labels for the one hundred foot (100) property-owner notification requirement, for any heritage tree is subject to the approval by the planning commission. The decision to issue or deny the permit is subject to the criterium outlined in section 26-293(a)(1) and any conditions deemed necessary as per section 26-293(a)(2).

(d) **Appeal procedure.** Appeals may be filed per the requirements of section 26-212 of this chapter.

(e) **Approval period.** Tree-removal permits shall be effective following the appeal period and shall be valid for a period of ninety (90) days, subject to extension. Where the tree-removal permit is associated with a development application, the ninety (90) days shall start from the date of final map recordation or issuance of building permit, whichever comes first.

**Sec. 26-294. - Protection of trees during development activity.**

The following protective measures shall be exercised by all individuals, developers, and contractors working near preserved trees. All construction shall preserve and protect the health of trees to remain, relocated trees, and new trees planted to replace those removed in accordance with the following:

- (a) No grading, construction, or construction-related activities shall occur within the dripline of a significant tree or a heritage tree. Construction-related activities include, but are not limited to, the storage of materials, grade changes, or attachment of wires to or around tree trunks, stems or limbs.
- (b) Significant trees and heritage trees shall be shielded from damage during construction with an appropriate construction barrier, such as chain link and steel stake fence enclosing the entire dripline area. All exposed roots shall be inside the fence or barrier. The fence or barrier shall have a minimum height of six (6) feet measured from the 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 activity on the site and shall remain in place throughout all phases of construction. Fences may not be removed without obtaining written authorization from the planning director.
- (c) No structure or impervious paving shall be located within the dripline or within a six (6) foot radius of the trunk perimeter, whichever is greater, of any significant tree or heritage tree. A tree with a caliper of thirty (30) inches or more shall require additional space as determined by the planning director, superintendent of maintenance operations, or arborist.
- (d) Branches that could be injured by vehicles or that interfere with the development activity may be pruned to the satisfaction of the planning director, superintendent of maintenance operations, or arborist.
- (e) No compaction of the soil within the dripline of any tree shall be undertaken.
- (f) 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 (3½) times the trunk diameter, as measured at ground level. Actual setback may vary to meet the needs of individual tree species as determined by the planning director, superintendent of maintenance operations, or arborist. Where some root removal is necessary, the tree crown may require thinning to prevent wind damage.
- (g) The required landscape and irrigation plan shall be tailored per the needs of retained trees, as specified by a tree arborist. Trees of the oak family must be on a separate clock.
- (h) The planning director may impose additional measures determined necessary to preserve and protect the health of trees to remain, relocated trees, and new trees planted to replace those removed.



**Sec. 26-295. - Penalties.**

(a) Violation of any section of this division shall constitute a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) months, or both such fine and imprisonment. Each tree removed in violation of this division shall constitute a separate offense.

(b) Violators may also be required to replace the tree(s) with a tree(s) of comparable size, type and condition as determined by the planning director and in appropriate cases, the superintendent of maintenance operations.

(c) In addition to the penalties imposed by subsections, (a) and (b) above, any person who destroys, removes or damages a significant tree or a heritage tree without a permit in circumstances in which a permit application has been denied, or would have been denied, shall be liable to the city for a civil penalty in an amount equal to the tree's full restitution value.

(d) A building permit shall be deemed invalid or held by an official notice to stop work until either subsection (a) and/or (b) is effected.