



## MEMORANDUM

**TO: PLANNING COMMISSION**

**FROM: CHRIS MAGDOSKU, DIRECTOR OF PUBLIC WORKS**

**SUBJECT: CONSIDERATION OF AMENDMENTS TO CHAPTER 12.16 OF TITLE 12 OF THE ARROYO GRANDE MUNICIPAL CODE (COMMUNITY TREE PROGRAM)**

**DATE: MAY 16, 2017**

### **RECOMMENDATION:**

It is recommended that the Planning Commission review proposed amendments to Chapter 12.16 of Title 12 of the Arroyo Grande Municipal Code regarding the Community Tree Program and make a recommendation to the City Council for approval of the amendments.

### **FINANCIAL AND PERSONNEL RESOURCES IMPACT:**

There are no costs associated with this action at this time.

### **BACKGROUND:**

The Community Tree Ordinance (Chapter 12.16) previously adopted by the Arroyo Grande City Council is a comprehensive tree protection program that promotes:

- A. The preservation, the maintenance, and regeneration of all trees;
- B. A beautiful and aesthetically pleasing community;
- C. Trees or groves of unique or historical value and wildlife habitat;
- D. Educational programs that address the importance of trees in the environment and their role in purifying the air, providing shade, controlling erosion, and maintaining the rural, small town atmosphere; and
- E. Improved communication between the Parks and Recreation Commission, Architectural Review Committee and the Planning Commission regarding tree related issues and concerns.

In addition, this Chapter establishes policies, regulations and specifications necessary to govern installation, maintenance and preservation of trees to accomplish the goals stated above.

The Community Tree Program addresses various issues related to trees in Single Family Residential, Commercial, Multi-Family and Industrial zones. Additionally it also addresses City landmark trees and issues related to property

**PLANNING COMMISSION  
CONSIDERATION OF AMENDMENTS TO CHAPTER 12.16 OF TITLE 12 OF  
THE ARROYO GRANDE MUNICIPAL CODE (COMMUNITY TREE PROGRAM)  
MAY 16, 2017  
PAGE 2**

development. Periodically, minor changes are required to properly administer the Community Tree Ordinance.

On Tuesday, February 1, 2017 the Planning Commission was provided with a presentation on tree removal activity on a parcel approved for a six-lot development project. This development site was the subject of several concerns about tree protection and the removal of a Coastal Live Oak tree without an approved permit. As an outcome of this presentation, the Planning Commission recommended modifications to the Community Tree Ordinance.

It was the consensus of the Planning Commission that the following issues and concerns be addressed in future modifications to the Community Tree Ordinance and/or staff practices:

1. Have an independent arborist on site during pruning for crucial projects (not selected by the developer);
2. Placement of a fence to protect trees prior to any work on the site;
3. Hold tree removal companies accountable (companies need to be informed in writing);
4. Support higher replacement value for trees if staff finds that there is malice;
5. Identify ways to notify tree trimming businesses to be in compliance of tree cutting/pruning in the City;
6. Add enhancements to tree pruning requirements in the Tree Ordinance;
7. Require a performance bond for the tree being protected;
8. Include a mitigation fee for the City's Arborist time during the duration of pruning process; and
9. Give the Public Works Director the flexibility to select a replacement tree.

On Wednesday, April 12, 2017, the Parks and Recreation Commission approved recommended revisions to the Community Tree Program. These revisions were also considered by the Arroyo Grande Planning Commission on Tuesday, April 18, 2017. The Planning Commission discussed the changes and advised staff to consider adding construction notes to project plans referencing key components of the Ordinance where applicable, include an enhanced description of the Critical Root Zone and dripline, and modify Section 12.16.090 subsection (M)(4) to modify the performance bond requirements. The Commission also recommended continuing the consideration of the changes to the Community Tree Program to a future meeting in order to provide all five Commissioners an opportunity to review the Program.

**ANALYSIS OF ISSUES:**

The Community Tree Ordinance establishes policies, regulations and specifications necessary to govern installation, maintenance and preservation of trees to accomplish the goals of the program. Periodically, revisions to the

**PLANNING COMMISSION  
CONSIDERATION OF AMENDMENTS TO CHAPTER 12.16 OF TITLE 12 OF  
THE ARROYO GRANDE MUNICIPAL CODE (COMMUNITY TREE PROGRAM)  
MAY 16, 2017  
PAGE 3**

Community Tree Program Ordinance are warranted. Proposed changes to the Community Tree Program Ordinance are indicated on the attached draft. The proposed ordinance language changes are intended to do the following:

- Update definitions, language and references that are out of date or no longer in practice;
- Address concerns and adopt rules related to pruning activities on development project sites;
- Clarify standards for pruning based on industry accepted standards published in ANSI A300 Part 1, Pruning, published by the Tree Care Industry Association;
- Increase the penalty for removal of trees without the appropriate tree removal permit;
- Revise the language related to the bonding requirement; and
- Reflect current policies regarding maintenance of public improvements damaged by street trees.

Planning Commission meeting comment summary and response

The following is a response to the specific concerns and comments provided at the February 1, 2017 and April 18, 2017 (Comments 10 through 12 inclusive) Planning Commission meetings:

**Comment #1:** Have an independent arborist on site during pruning for crucial projects (not selected by the developer)

**Response:** Addressed via proposed language modification to Section 12.16.090 E. Upon the Director's discretion, where significant or unique tree conditions exist, the property owner or developer shall be required to reimburse the City for the cost for City staff, or an Independent Arborist to prepare the written report and/or to provide on-site observation of tree removal or pruning work.

**Comment #2:** Placement of a fence to protect trees prior to any work on the site

**Response:** This matter is already addressed in Section 12.16.090 M. Trees designated to remain on the tree removal plan shall be protected prior to and during construction by the owner(s), using the following measures:

1. Each tree or group of trees designated to remain shall be protected by an enclosure of a five-foot fence, prior to the beginning of construction. The fence shall be wooden, chain link, or plastic barricade fencing. The location of the fence is normally at the dripline of the tree, but it may adjusted or omitted with the director's written approval.

**Comment #3:** Hold tree removal companies accountable (companies need to be informed in writing)

**Response:** This matter is already addressed in Section 12.16.070 E.2.: Failure to comply with these standards as determined by the city council shall constitute

**PLANNING COMMISSION  
CONSIDERATION OF AMENDMENTS TO CHAPTER 12.16 OF TITLE 12 OF  
THE ARROYO GRANDE MUNICIPAL CODE (COMMUNITY TREE PROGRAM)  
MAY 16, 2017  
PAGE 4**

a misdemeanor violation of this chapter and may result in the suspension of the tree company's business license, if applicable, as follows: first offense, suspension of the business license for a period not exceeding ninety (90) days, and for a second offense or any subsequent offenses, by suspension of the business license for a period not exceeding one year.

**Comment #4:** Support higher replacement value for trees if staff finds that there is malice.

**Response:** Addressed via proposed language modification to Section 12.16.090 H. The intentional killing, removal or damaging of any tree, as a result of development activity, shall constitute a misdemeanor and shall result in the replacement method of determining the tree value being applied.

**Comment #5:** Identify ways to notify tree trimming businesses to be in compliance of tree cutting/pruning in the City.

**Response:** City staff to send a copy of the revised Community Tree Program Ordinance to all arborists and tree trimming companies in San Luis Obispo and Santa Barbara counties and to all arborists and tree trimming companies that currently have a City business license.

**Comment #6:** Add enhancements to tree pruning requirements in the Tree Ordinance.

**Response:** Addressed via proposed language modification to Section 12.16.070 E. The city council may adopt by resolution standards for the pruning of regulated trees on private property, with which all licensed tree companies doing business in the city shall comply. At a minimum, all pruning shall comply with the standards published in ANSI A300 Part 1, Pruning, published by the Tree Care Industry Association.

**Comment #7:** Require a performance bond for the tree being protected

**Response:** This matter is already addressed in Section 12.16.090 M 4. A performance bond may be required, in a form acceptable to the city and prior to issuance of an entitlement, to assure protection of trees on the site. The amount of any set bond shall be one thousand five hundred dollars (\$1,500.00), or the value of affected trees, whichever is greater, based on the Guide for Plant Appraisal, Council of Tree and Landscape Appraisers.

**Comment #8:** Include a mitigation fee for the City's Arborist time during the duration of pruning process

**Response:** Addressed via proposed language modification to Section 12.16.090 E. Upon the Directors discretion, where significant or unique tree conditions exist, the property owner or developer shall be required to reimburse the City for the cost for City staff, or an Independent Arborist to prepare the written report and/or to provide on-site observation of tree removal or pruning work.

**PLANNING COMMISSION  
CONSIDERATION OF AMENDMENTS TO CHAPTER 12.16 OF TITLE 12 OF  
THE ARROYO GRANDE MUNICIPAL CODE (COMMUNITY TREE PROGRAM)  
MAY 16, 2017  
PAGE 5**

**Comment #9:** Give the Public Works Director the flexibility to select replacement tree.

**Response:** Addressed via proposed language modification to Section 12.16.090 A. The sub-divider shall be responsible for the purchase, planting, maintenance and replacement, if necessary of such trees for twenty-four (24) months after planting and acceptance according to a uniform planting plan approved by the director.

**Comment #10:** Include Construction Notes on project plans stating pertinent requirements of the Ordinance.

**Response:** Once the changes are adopted, portions of the Ordinance and/or selective sections/subsections can be rewritten in a form as construction notes for project plans. Because the Ordinance is comprehensive to the City and not only for specific construction projects, it is best to have the construction notes addressed separately as a policy document derived from selective language within the Ordinance. A construction note procedure and layout can be brought back to the Commission at a later date as an informational item.

**Comment #11:** The definition of dripline and critical root zone should be added.

**Response:** The proposed definition of the critical root zone is not recommended for change or expansion of the definition and the definition of the Dripline is existing and not recommended for change. In performing some research, the definitions of critical root zones can change based on updated studies in the forestry industry. The City uses an industry acceptable standard of one foot away from the tree per inch of trunk diameter at four feet six inches above the ground. In some cases, this could hinder development that is viable for the City. Industry experts warn the public that root systems vary by depth and spread based on species, age, soil conditions, location that the full root zone may extend up to three times beyond the critical root zone. Therefore, it is recommended to not provide that specificity in the code for risk of challenge and allow the Arborist to make a professional recommendation to the Director.

**Comment #12:** Enhance and modify Section 12.16.090 M 4.

**Response:** This comment was discussed during discussion of the aforementioned Comment 7 in which the existing language in the Code could be revised to replace the word “may” with “shall” and modify the language to include “security” to provide some flexibility for the method in which the developer, property owner, etc. can provide coverage.

**PLANNING COMMISSION  
CONSIDERATION OF AMENDMENTS TO CHAPTER 12.16 OF TITLE 12 OF  
THE ARROYO GRANDE MUNICIPAL CODE (COMMUNITY TREE PROGRAM)  
MAY 16, 2017  
PAGE 6**

**ADVANTAGES:**

The following advantages have been identified for the project:

- The proposed changes will provide beneficial updates to Chapter 12.16 of Title 12 of the Arroyo Grande Municipal Code (Community Tree Program) and will reflect current practices and definitions;
- The proposed changes allow for more clear oversight and guidance for tree pruning on development sites; and
- The proposed changes provide for increased penalties related to tree removal activity done without an appropriate permit.

**DISADVANTAGES:**

There may be objections to the increased City oversight of tree pruning activities on development sites and the additional penalties for tree removal violations.

**ENVIRONMENTAL REVIEW:**

The proposed modifications to the Community Tree Program have been reviewed in accordance with the California Environmental Quality Act (CEQA) and have been determined to be categorically exempt per Section 15308 of the CEQA Guidelines regarding actions by regulatory agencies for the protection of the environment.

**ALTERNATIVES:**

The following alternatives are provided for the Commission's consideration:

1. Recommend approval of staff's recommendations;
2. Do not recommend approval of staff's recommendations; or
3. Provide direction to staff.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

**ATTACHMENT:**

DRAFT Revisions to Chapter 12.16 of Title 12 of the Arroyo Grande Municipal Code (Community Tree Program).

## Chapter 12.16 - COMMUNITY TREE PROGRAM

### Sections:

#### FOOTNOTE(S):

~~(1)~~

~~Editor's note— Section 1 of Ord. No. 656, adopted Aug. 27, 2013, amended Ch. 12.16 in its entirety to read as herein set out. Former Ch. 12.16, §§ 12.16.010—12.16.090, pertained to similar subject matter and derived from prior code §§ 10.3.01—10.3.09; Ord. 521, § 1, adopted in 2000; Ord. 567, § 2, adopted in 2005; Ord. 575, §§ 1—4, adopted in 2005; Ord. 585, §§ 2—3, adopted in 2007; and Ord. 606, §§ 2—4, adopted in 2008.~~

#### 12.16.010 - Purpose.

It is in the best interest of the city, the public, and the environment to establish a comprehensive community tree program that promotes:

- A. The preservation, the maintenance, and regeneration of all trees;
- B. A beautiful and aesthetically pleasing community;
- C. Trees or groves of unique or historical value and wildlife habitat;
- D. Educational programs that address the importance of trees in the environment and their role in purifying the air, providing shade, controlling erosion, and maintaining the rural, small town atmosphere;
- E. Improved communication between the parks and recreation commission, architectural review committee and planning commission regarding tree related issues and concerns.

Further, in order to implement the goals and objectives of the parks and recreation element of the city of Arroyo Grande's general plan, and to mitigate the loss of open space and vegetation caused by new development in the city, the city council has determined that a development impact fee (or the implementation of a tree planting plan in lieu thereof) is needed in order to finance the planting of trees and to pay for the development's fair share of the implementation of these improvements.

This chapter establishes policies, regulations and specifications necessary to govern installation, maintenance and preservation of trees to accomplish the above stated purpose.

~~(Ord. No. 656, § 1, 8-27-2013)~~

#### 12.16.020 - Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Certified arborist" shall be one of the persons who has completed the requirements of, and who appears on the approved list of the International Society of Arboriculture, Western Chapter. This list shall be available for review in the community development department.

"City" means the city of Arroyo Grande.

"City council" means the city council of the city of Arroyo Grande.

"Conditioned tree" means any tree that is to be preserved and protected from removal, destruction or loss as a requirement of a permit issued by a permit-granting authority.

"Critical Root Zone" means the area in which the loss, disturbance, or damage to any roots will adversely affect the tree's long-term health and structural stability

"Dead regulated tree" means a regulated tree that is no longer alive or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exist to sustain life)

and has been determined to be in such a state of decline by a certified arborist during a non-dormant or other natural stage of the tree that would minimize the likelihood that the tree would be mistakenly identified as being in such a dead state.

"Development" means any project involving the issuance of permit for construction or reconstruction, other than interior remodeling, but not a permit to operate.

"Director" means the city public works director or his or her duly appointed agent.

"Dripline" means an imaginary vertical line running from the outermost branches or portions of the tree crown to the ground.

"Excessive pruning" means removing in excess of one-third (33.3 percent) or greater of the functioning leaf, stem, or root area of a tree. Pruning in excess of 33.3 percent is injurious to the tree and is prohibited unless written approval is granted by the public works director or his or her appointed representative prior to initiating the work. Topping and lion's tailing shall be considered unacceptable pruning practices for trees.

"Fire chief" means the fire chief of the Five Cities Fire Authority.

"Imminent fire safety hazard" means trees that impinge upon the fire defensible zone around structures as determined by the fire chief. The defensible zone is defined as that area one hundred (100) feet around a structure or two hundred (200) feet if structure is situated on or above a slope.

"Landmark tree" or "landmark grove" means existing tree(s) on public or private property that has been found to be a notable horticultural specimen, or is of significant aesthetic, cultural or historical value, and is designated as such by resolution of the city council, upon recommendation of the planning commission or parks and recreation commission of the city. Landmark trees may include street trees.

"Lion's tailing" means the removal of an excessive number of inner, lateral branches from parent branches. Lion's tailing is not an acceptable practice.

"Maintenance" means pruning, spraying, fertilizing, staking, irrigating, treating for disease or injury, and other similar acts that promote the life, growth, health or beauty of trees or shrubs.

"Owner" means an individual, firm, association, corporation, partnership, persona and lessees, trustees, receivers, agents, servants and employees of any such person(s).

"Parks and recreation commission" means the parks and recreation commission of the city of Arroyo Grande.

"Permit-granting authority" means that appropriate individual or body designated by municipal code or state law to have the legal authority to issue the permit for which application was made.

"Planting easement" means an easement adjacent to public right-of-way obtained for the purpose of planting and maintaining street trees.

"Planning commission" means the planning commission of the city of Arroyo Grande.

["Pruning" means cutting, trimming or removing tree canopy or roots according to ANSI A300 Part 1, Pruning, published by the Tree Care Industry Association.](#)

"Public places" means all properties owned by the city and public easements.

"Public streets" means all city public rights-of-way, including all public easements.

"Regulated tree" means any tree located on properties in commercial, multifamily or mixed use zones; coastal live oak trees (*Quercus agrifolia*) on properties in single-family residential zones that measure twelve (12) inches in diameter when measured four feet and six inches from the base; and any trees located in the public right-of-way adjacent to the street on properties in single-family residential zones, whether city or privately owned.

"Street trees" means any tree in any street, park, public place, or public easement.

"Subdivision" means any subdivision of property, including minor subdivisions.



"Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

"~~Tree coordinator~~[Designated City Arborist](#)" means the city employee who is responsible for the city landmark tree program, memorial tree planting, Arbor Day activities, education programs, issuing of tree removal permits, and coordination with citizens regarding tree matters.

"Tree removal" means the destruction or displacement of a tree or shrub by cutting, bulldozing, mechanical, chemical or other method, which results in a physical transportation of the tree from its site and/or death of the tree.

"Tree well" means an unsurfaced area provided within a paved or concrete sidewalk for the planting of a tree.

"Undeveloped property" means property that has been zoned to allow development, but which has not yet been developed.

~~(Ord. No. 656, § 1, 8-27-2013)~~

#### 12.16.030 - Street tree requirements.

- A. A street tree shall be planted at the time of construction by every property owner, except for subdivisions, spaced no farther than fifty (50) feet apart along the street frontage of any building constructed. Interior remodeling permits and activity shall be exempt from street tree planting requirements. The director shall specify specific locations along the frontage of the constructed building for street trees and shrubs on public streets and tree planting easements, and the species of tree shall be selected by the director from the master street tree list on file with the ~~parks, recreation and facilities~~[Public Works](#) department. Street trees shall be of a fifteen (15) gallon container size (or greater) and comply with the standards set forth by the American Society of Nurserymen.
- B. For property within commercial or industrial zoned districts in the city, the property owners, upon construction, shall provide tree planting wells within any paved or concrete sidewalk. Street trees shall be planted within these wells as outlined in subsection A of this section, with the addition of installing deep root barriers [where directed by the Designated City Arborist](#).
- C. A fee, consistent with that established by the city council for subdivision maps shall be imposed by the director, if the property owner requests that the city plant the required tree(s) on his or her behalf.
- D. All existing and proposed street trees shall be identified by the applicant on all construction and building plans and maps presented to the city.
- E. No existing street tree shall be removed or replaced without written authorization of the director or the ~~Designated City Arborist~~[tree coordinator](#).
- F. It shall be the responsibility of the property owner to properly maintain all street tree-planting areas upon his or her property, including any adjacent easement, regardless of whether such property is developed. Such maintenance shall include irrigation, [root pruning](#), [canopy pruning](#) and keeping such planting easements free from weeds or any obstructions deemed contrary to public safety and in conformance with the plan approved by the director for the property involved.
- G. The director shall, at city expense, inspect and, when necessary, remove and/or replace street trees.
- H. The director may cause the roots of young trees in the process of development to be cut to prevent future sidewalk lifting. Roots on older trees that have lifted sidewalks may be cut. Overhead limbs may be pruned or cut back to compensate for the loss of root area.
- I. The director may cause the removal of overhead limbs from any street tree, regardless of the location of such street tree, if, in the director's opinion, such removal is necessary in the interest of public safety.

- J. Nothing in this chapter shall be deemed to relieve the owner and occupant of any private property from the duty to keep his or her private property, sidewalks and planting easements in front of such private property in a safe condition and so as not to be hazardous to public travel.
- K. Whenever a property owner desires to have a street tree removed, he or she shall apply to the director for a permit for such removal. The director may approve or deny such request.
- L. Any street tree damaged or destroyed by an individual shall be replaced through payment by the person or persons causing such loss to the city. The amount of such payment shall be the replacement value of the tree, as determined by the director, but in no event shall it be less than one hundred fifty dollars (\$150.00) per tree and shall be in addition to any criminal fine or penalty for municipal code violation. Any act intentionally damaging or destroying a street tree shall constitute a misdemeanor violation of this chapter.

~~(Ord. No. 656, § 1, 8-27-2013)~~

12.16.040 - Responsibility for tree-damaged sidewalks and public improvements.

- A. ~~The public works director will periodically prepare a list of particular street trees that have created a present and immediate danger to pedestrian travel, by causing damage to public improvements, sidewalks, or have interfered with drainage flow in gutters, or resulted in traffic hazards in adjacent streets.~~

~~BA.~~ The public works director shall order the repair or replacement of ~~such damaged~~ public improvement. Trees shall only be removed if it is determined that the public improvements will cause the tree to be unsafe or unstable or will likely cause the need for recurrent repair to public improvements damaged by street trees. Prior to removal of any street tree causing such damage, the adjacent property owner will be notified, in writing, by the public works director. The public works director shall order a new tree to be planted as a replacement tree, when the site is appropriate, as determined by the director.

Formatted: Strikethrough  
Formatted: Not Strikethrough

~~(Ord. No. 656, § 1, 8-27-2013)~~

12.16.050 - Privately owned trees affecting public right-of-way.

- A. Trees on private property that have caused, or may cause, in the judgment of the public works director, damage to public improvements shall be root-trimmed~~pruned~~ or the tree removed, and such damage to public property shall be repaired by the owner of such tree. After fifteen (15) days' notice to correct the condition, the public works director may correct the condition and send a billing therefor, including a fifteen (15) percent administration fee, to the property owner. If the property owner fails to remit the payment, the charge for all costs of correction, including the administration fee, shall be charged as a tax lien upon the tree owner's property.
- B. No person shall permit branches of trees or shrubs to extend within nine feet from the ground over any portion of the sidewalk area, or within fourteen (14) feet from the ground over any portion of residential street abutting the property on which the tree is growing, or within fourteen (14) feet on streets designated as truck routes. After fifteen (15) days' notice to correct the condition, the public works director may correct the condition and send a billing therefor, including a fifteen (15) percent administration fee, to the property owner. If the property owner fails to remit payment, the charge of all costs of correction, including the administration fee, shall be charged as a tax lien upon the tree owner's property.

~~(Ord. No. 656, § 1, 8-27-2013)~~

12.16.060 - Landmark trees.

- A. In order to initiate a landmark tree designation, the owner(s) of such trees shall sign the proposed designation resolution prior to city council adoption, thereby conferring consent for the tree(s) to be voluntarily designated as landmark tree(s) by the city and approved for the city to go upon the owner's property for monumentation, inspection and inventory. Trees may also be designated a landmark tree(s) as part of a city development approval or permit process (see Section 12.16.090). For such case the director shall sign the resolution after its adoption in lieu of the tree owner's(s') signature. The director shall sign as owner for all city-owned trees.
- B. The city council, upon recommendation of the planning commission or parks and recreation commission, shall, after making any revisions it deems appropriate, designate landmark trees or landmark groves by resolution. The director shall administer the landmark tree program for the city.
- C. In the event a landmark tree(s) owner desires to remove landmark tree designation from his or her tree(s), the owner may petition the city council to adopt a resolution repealing landmark status from the tree(s).
- D. No landmark tree(s) shall be removed without the consent of the city council, nor shall any landmark trees be destroyed or damaged.
- E. The director shall maintain a permanent log of all trees designated. Such log shall consist of a copy of all resolutions designating landmark trees. Each resolution shall contain a landmark tree monumentation number, a photograph of the tree(s), a location map of the tree(s) on the property, the reasons why such tree(s) has been designated a landmark tree(s), and the signature and owner's(s') name, and the address and legal description of the property upon which the tree(s) is located. The director shall present a copy of the adopted resolution to the tree owner.
- F. The director shall install a permanent marker upon or near each landmark tree, identifying the tree as a landmark tree, and containing the tree monumentation number. One marker may be used for a landmark grove.
- G. The director shall cause the physical inspection and inventory of all landmark trees every three years to determine their condition and presence, and he/she shall report his or her findings publicly to the city council, the parks and recreation commission, and the planning commission, via the city manager.
- H. Upon the death of a landmark tree, the director shall record the estimated date of death and suspected cause of death upon the resolution designating the tree. The director shall use such information to assist in determining future tree preservation programs for the city.
- I. No branches two inches or larger on a landmark tree shall be pruned without prior written approval of the director or the ~~city tree coordinator~~ [Designated City Arborist](#).

~~(Ord. No. 656, § 1, 8-27-2013)~~

12.16.070 - Tree removal in residential, mixed use or commercial zones.

- A. No person(s) shall allow or cause the removal of any regulated tree on property used or zoned multifamily residential, mixed use or commercial without first obtaining a tree removal permit from the director or ~~tree coordinator~~ [Designated City Arborist](#). Furthermore, no coastal live oak trees (*Quercus agrifolia*) greater than twelve (12) inches in diameter when measured four feet and six inches from the base located in single-family residential zoned areas and any trees located in the public right-of-way in single-family residential zoned areas may be removed without first obtaining a tree removal permit. The permit is available at no charge.
- B. Tree removal in the above locations without a permit shall constitute a misdemeanor violation of this chapter, and in addition, removed trees shall be replaced through payment by person or persons causing such loss to the city. The amount of such payment shall be the replacement value of the tree as determined by the director, [as set forth in the Manual Guide for Plant Appraisers, published by the Council of Tree and Landscape Appraisers](#), but in no event shall it be less than ~~three~~ [three](#)

hundred ~~forty~~ fifty dollars (\$~~304~~50.00) per tree; and it shall be in addition to any criminal fine or penalty for municipal code violation.

C. The intended decision of the director or Designated City Arborist ~~tree coordinator~~ for issuing or refusing a tree removal permit shall be based upon reasonable standards, including:

1. The condition of the tree regarding its general health, location to utilities or structures, or status as a public nuisance or as a potential safety hazard;
2. The necessity of the requested action to allow construction of improvements or otherwise allow economic or other reasonable enjoyment of property;
3. The topography of the land and the effect of the tree removal on erosion and water retention;
4. The number, species, size and location of existing trees in the area and the effect of the tree removal on scenic beauty, historic values, fire safety and the general welfare of the city;
5. Good forestry practices in general.

D. Subject to obtaining a tree removal permit, a dead regulated tree, as defined by Section 12.16.020, may be removed, and a replacement tree from the approved city tree list and acceptable to the director of public works or his/her designee will be required to be planted in its place, unless determined by the director of public works to be unnecessary due to special circumstances of the site.

E. Standards for the Pruning of Regulated Trees on Private Property.

1. The city council may adopt by resolution standards for the pruning of regulated trees on private property, with which all licensed tree companies doing business in the city shall comply. At a minimum all pruning shall comply with the standards established by the International Society of Arboriculture published in ANSI A300 Part 1, Pruning, published by the Tree Care Industry Association.
2. Failure to comply with these standards as determined by the city council shall constitute a misdemeanor violation of this chapter and may result in the suspension of the tree company's business license, if applicable, as follows: first offense, suspension of the business license for a period not exceeding ninety (90) days, and for a second offense or any subsequent offenses, by suspension of the business license for a period not exceeding one year.

F. Topping Prohibited. Intent: to insure healthy, structurally stable, aesthetically pleasing trees and mitigate public liability.

~~1. "Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. It is unlawful to top or stub trees.~~

~~21.~~ Utility line clearing shall be accomplished by the drop crotch method of directional method of pruning and shall include side branches.

~~32.~~ All pruning of public trees shall be in accordance with current pruning published in ANSI A300 Part 1, Pruning, published by the Tree Care Industry Association ~~specifications of the city parks division.~~

G. Appeals. Appeals regarding decisions on tree removal permits by the director are to be submitted in writing to the parks and recreation commission within fourteen (14) days of the director's decision. Actions of the parks and recreation commission are final unless appealed to the city council.

H. Exceptions. A tree removal permit is not required for the following:

1. Trees in hazardous condition that represent an immediate danger to health or property as determined by the city;
2. Christmas tree lots;
3. Fruit trees;

4. Owners of firewood harvesting lots need not obtain a removal permit, if the species of trees harvested are eucalyptus or pines;
5. Trees that present an imminent fire safety hazard as determined in writing by the fire chief.

~~(Ord. No. 656, § 1, 8-27-2013)~~

12.16.080 - Public utility company requirements.

Public utility companies shall obtain a permit from the director, which shall be valid for one calendar year, and notify the city forty-eight (48) hours prior to performing the following:

- A. Removal of a street tree or any tree covered in Sections 12.16.060 and 12.16.070
- B. Pruning of a street tree, landmark tree, or any tree covered in Sections 12.16.060 and 12.16.070 for overhead power line clearance; and
- C. Underground trenching within the dripline of a street tree, a landmark tree, or any tree covered in Sections 12.16.060 and 12.16.070

~~(Ord. No. 656, § 1, 8-27-2013)~~

12.16.090 - Installation, maintenance and removal of trees relating to property development.

- A. ~~A tree planting fee is established on issuance of all subdivision maps for development in the city. The city council shall, in a council resolution, set forth the specific amount of the fee. As described in the fee resolution, this tree planting fee shall be paid by each developer prior to issuance of a building permit. On an annual basis, the city council shall review this fee to determine whether the fee amounts are reasonably related to the impacts of developments. The revenues raised by payment of this fee shall be placed in a separate and special account, and such revenues, along with any interest earnings on that account, shall be used solely to pay for the city's future purchase and planting of trees described in the resolution enacted pursuant to the above. The selection, purchase, planting and future maintenance of such trees shall be performed by the director. In lieu of the fee, at the election of the planning commission,~~ The subdivider shall be responsible for the purchase, planting, maintenance and replacement, if necessary of such trees for twenty-four (24) months after planting and acceptance according to a uniform planting plan approved by the director. The subdivider may be required to post a bond, the amount to be determined by the planning commission, to assure faithful performance. The bond may be held by the city for a maximum of two years.
- B. The ~~planning commission~~City may require a six-foot tree planting easement on all or select streets within proposed subdivisions, in addition to dedicated planting easements for street trees in conformity with a uniform planting plan for the area involved.
- C. All proposed changes in a public street right-of-way direction or width, or any proposed street improvement, shall, where feasible, include allowances for planting easements. Plans and specifications for planting such areas shall be integrated into the general plan of improvements, and it shall be the duty of the director of public works to coordinate the design of such improvements with the community development director prior to the completion of the final overall plans.
- D. No tree shall be removed on any undeveloped parcel for which a tree removal permit has not been issued or for which a tree removal plan has not been approved by the ~~planning commission~~City. Tree removal on undeveloped property without a permit or approved plan shall constitute a misdemeanor, and in addition, removed trees shall be replaced through payment, by person or persons causing such loss, to the city. The amount of such payment shall be the ~~appraised or~~ replacement value of the tree, as determined by the director ~~and as set forth in the Guide Manual for Plant Appraisers, published by the Council of Tree and Landscape Appraisers,~~ but in no event shall it be less than ~~one~~ three hundred ~~thirty~~ fifty dollars (\$~~304~~50.00) per tree, and it shall be in addition to any criminal fine or penalty for municipal code violation.

- E. All grading, building, conditional use, tract map, parcel map, planned development, and other development proposals submitted to the city shall be accompanied by an accurate map identifying and locating all existing trees upon the property for which application is received and all existing trees that are off-site but affected by the project. Such map shall also identify all existing trees that are proposed by the applicant for removal or destruction, and such trees shall be visibly marked for the director's inspection. The director, or his or her designee, shall locate all trees upon the applicant's and affected property and prepare a written report, including recommended tree protection requirements, to the permit-granting authority ~~within two calendar weeks of the permit application having been received by the city.~~ Upon the Directors discretion, where significant or unique tree conditions exist, the property owner or developer shall be required to reimburse the City for the cost for City staff, or to hire an Independent Arborist to prepare the written report and/or to provide on-site observation of tree removal or pruning work.
- F. The director's report to the permit-granting authority shall contain:
1. Recommendation as to which trees should be preserved and protected from removal and/or relocation;
  2. Recommendation as to which trees should receive landmark designation.
- G. The permit-granting authority shall not issue a permit until receiving and reviewing the director's recommendations. The permit-granting authority shall not be bound to honor the director's recommendations. The permit-granting authority shall have the authority to approve and issue a permit with conditions requiring protection and preservation of any or all trees affected by the permit.
- H. The killing, removal or damaging, intentionally or accidentally, of any tree, because of development activity, shall result in a separate administrative penalty to be paid, through payment by person or persons causing such loss, to the city. The payment shall be the amount of the value of the tree, as set forth in the Manual for Plant Appraisers, published by the Council of Tree and Landscape Appraisers, but in no event shall the payment be less than ~~one-three~~ hundred ~~fifty~~ dollars (\$~~30450.00~~) per tree. The intentional killing, removal or damaging of any tree, as a result of development activity, shall constitute a misdemeanor and shall result in the replacement method of determining the tree value being applied.
- I. If the permit-granting authority approves the removal of any oak tree or other tree as defined in Section 12.16.020 when related to property development, the tree owner(s) of such tree(s) shall replace each tree removed at a three to one replacement ratio. The size, specie, and location of replacement trees shall be determined by the director, in writing, before the permit is issued. Replacement trees shall be maintained and cared for by the owner(s) when planted on his or her parcel. If not planted on the owner's parcel, the director may identify a site for planting replacement tree(s), and the city will be responsible for maintenance thereof.
- J. In the event the permit-granting authority desires landmark designation for any tree, the permit-granting authority shall convey such recommendation to the city council via the planning commission for consideration and recommendation and shall withhold issuance of such permit until the city council has adopted a resolution conferring landmark designation.
- K. In the event the city council adopts a resolution conferring landmark designation upon a tree(s) during the development process, a permit shall be issued only with condition that the designated tree(s) shall not be removed or disturbed. Failure to comply with this condition shall result in a misdemeanor. There will be a separate administrative penalty of five thousand dollars (\$5,000.00) to the tree owner for each landmark tree removed, destroyed or killed as a result of construction or development activity, regardless of whether the removal was intentional.
- L. All administrative penalties recovered by the city, pursuant to this chapter of the municipal code, shall be deposited in a city fund, the assets of which shall be used for tree planting, care and administration of this chapter of the municipal code.
- M. Trees designated to remain on the tree removal plan shall be protected prior to and during construction by the owner(s), using the following measures:

1. Each tree or group of trees designated to remain shall be protected by an enclosure of a five-foot fence, prior to the beginning of construction. The fence shall be wooden, chain link, or plastic barricade fencing. The location of the fence is normally at the dripline of the tree, but it may adjusted or omitted with the director's written approval.
  2. No parking of vehicles or equipment or storage of materials shall be permitted within the dripline of the trees designated to remain.
  3. In the event the underground utilities must be placed within the dripline of the trees to remain, the utilities shall be installed by ~~auguring-boring~~ at twenty-four (24) inches minimum depth or by hand trenching. If roots over one inch in diameter are encountered, the roots shall be preserved without injury. No machine trenching within a tree's dripline shall be permitted, unless authorized, in writing, by the director.
  4. A performance bond, ~~or security, shall may~~ be required, in a form acceptable to the city and prior to issuance of an entitlement, to assure protection of trees on the site. The amount of any set bond shall be one thousand five hundred dollars (\$1,500.00), or the value of affected trees, whichever is greater, based on the ~~Manual-Guide~~ for Plant Appraisals, Council of Tree and Landscape Appraisers. The latest edition is to be available for review in the community development department. If, in the opinion of the certified arborist, no violation or damage has occurred during construction, the bond shall be returned upon final building inspection. However, if damage has occurred, the bond shall be held for three years and forfeited if, in the opinion of the certified arborist, permanent damage has occurred.
  5. Failure to comply with tree preservation requirements shall result in the director issuing a stop work order until all requirements have been met.
- N. Upon determination that a conditioned tree or landmark tree has died, been destroyed or removed as a result of construction or development activity, the council may stop further construction or development activity until the administrative penalty is paid.
- O. When the city requires tree pruning, the tree service contractor performing the work shall use an arborist certified by the Western Chapter of the International Society of Arboriculture.

~~(Ord. No. 656, § 1, 8-27-2013)~~

Formatted: Strikethrough