

## CHAPTER 12.16 - STREET TREES AND SHRUBS

### 12.16.010 - Purpose and intent.

The purpose and intent of this chapter is to recognize oak and other significant trees as significant historical, aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of this unique irreplaceable plant heritage for the benefit of the current and future residents of the City. It is also the intent of this chapter to preserve and enhance property values through conserving and enhancing the distinctive and unique aesthetic character of this City, which refers to the oak tree in its name.

(Prior code § 10-601; Ord. No. 298, § 2, 5-28-2019)

### 12.16.020 - Scope.

The provisions of this chapter shall apply to all oak and other significant trees on all public and private property within the City.

(Prior code § 10-602; Ord. No. 298, § 2, 5-28-2019)

### 12.16.030 - Definitions.

As used in this chapter:

*Alteration* means any action which would significantly damage the health or appearance of any tree specified herein, whether: (1) by cutting of its trunk or branches, (2) by filling or surfacing or changing the drainage of the soil around the tree, or (3) by other damaging acts. This definition excludes routine pruning and shaping, removal of dead wood, or other maintenance of a tree to improve its health, facilitate its growth, or maintain its configuration to protect an existing view.

*City* means the City of Del Rey Oaks.

*City Manager* means the City Manager or his or her designee.

*Oak tree* means any tree of the *Quercus* genus more than 30 inches in circumference as measured two feet above the root crown or, in the case of an oak with more than one trunk, any such tree with a circumference of any two trunks of at least 40 inches as measured two feet above the root crown. "Oak tree" shall not apply to any tree grown or held for sale in a licensed nursery, nor to the first removal or transplanting of a tree pursuant to the operation of a licensed nursery business.

*Person* means any individual, firm, partnership, corporation or other legal entity.

*Pruning* and/or *trimming* means the cutting of any limb or branch.

*Root crown* means that portion of a tree trunk from which roots extend laterally into the ground.

*Significant tree* means a woody perennial plant which usually, but not necessarily, has a single trunk, and which has a height of 30 feet or more, or has a circumference of 36 inches or more at 24 inches above the ground.

(Ord. 231 § 1, 1994; prior code § 10-603; Ord. No. 298, § 2, 5-28-2019)

### 12.16.040 - Permission required to cut, destroy or remove.

No tree, bush or shrub growing in or upon any public street, way, park, or place, including park strips, within the City, shall be cut, destroyed or removed unless and until permission to do so has been first obtained from the City Manager, and then only under the supervision of the City Manager.

(Prior code § 10-301; Ord. No. 298, § 2, 5-28-2019)

#### 12.16.050 - Permits.

- A. Requirements. Any person desiring to remove, cut down, destroy, alter, relocate, prune and/or trim, or otherwise undertake activities which could inflict damage to an oak or other significant tree, shall first obtain a tree permit from the City. The pruning and/or trimming of limbs or branches less than 20 inches in circumference shall be exempt from the requirements of this subsection. If the City Manager shall deem it necessary for the protection of the property owner or any other person from any possible damage as a result of such work, he may require the permit applicant to furnish such bond or insurance as he deems appropriate.
- B. Applications. Prior to the granting of a tree permit, an application for a tree permit shall be submitted to the City Manager. The basic form, content, instructions, procedures, and requirements of the application package deemed necessary and appropriate for the proper enforcement of this chapter shall be established by action of the planning commission.
- C. Granting or Denial. Upon the review of an application for a tree permit duly filed in accordance with approved procedures and requirements (and after an on-site inspection by the City Manager or his designated representative), the City Manager shall grant or deny a tree permit on the basis of the standards set forth in this chapter; provided, however, where more than five oak or other significant trees are to be cut down, removed, or moved upon a single parcel of real property, the application shall be referred to the Planning Commission for recommendation to the City Manager. Unusual cases where less than five trees are involved may be referred to the planning commission by the City Manager. The City Manager shall deny, without further action, an application which does not contain the required information.
- D. Conditions. Such conditions as deemed necessary and appropriate to insure the proper enforcement of this chapter may be made a part of the tree permit. Such conditions may involve, but shall not be limited to, the following:
1. The replacement of the trees proposed for removal with trees of a suitable type, size, number, location, and date of planting;
  2. A plan for protecting trees on the project site during and after development, such as, but not limited to, the installation of fencing around drip lines and other such means to protect the root system;
  3. Restrictions upon cuts, fills, and/or grading within the drip line area; and
  4. The removal of the complete tree to ground level including stump by grinding or other appropriate means.
- E. Concurrent Reviews. When an application is filed for a conditional use permit, variance, zone change, tentative tract map, or minor land division concurrently with an application for a tree permit as provided by this chapter, the planning commission may consider and approve such application for a tree permit concurrently with such other approvals. Where a tentative map and/or conditional use permit must be filed in addition to a request for a change of zone, the application may elect to file a tree permit concurrently with, and at the time of, the filing of a tentative tract map and/or a conditional use permit. In either case, the planning commission, in making its findings, shall consider each case individually as if separately filed.

- F. Expiration. An approved tree permit which is not used within the time specified in the approval or, if no time is specified, within one year after the granting of such approval, shall become null and void and of no effect, except, where an application requesting an extension is filed prior to such expiration date, the City Manager may extend such time for a period not to exceed one year.
- G. Exemptions. The provisions of this section shall not apply to the following:
1. Cases of emergency caused by a tree being in a hazardous or dangerous condition as determined by the City Manager or any member of the police or fire department, or an affected utility company;
  2. The necessary cutting and trimming of trees when done for the purpose of protecting or maintaining overhead public utility lines pursuant to Rule No. 35 of General Order No. 95 of the Public Utilities Commission of the State;
  3. The removal of trees within the City located in or upon a public street, way, park, place, or right-of-way. However, such removals shall be subject to section 12.16.040; and
  4. Tree removal requests made by public agency. However, such requests shall be subject to section 12.16.040.
- H. Fees. Applications for tree permits shall be accompanied by appropriate fees as established by a resolution of the City Council, which fees shall be commensurate with the cost of processing and reviewing applications for permits and administering this chapter.

(Ord. 231 § 2, 1994; prior code § 10-604; Ord. No. 298, § 2, 5-28-2019)

#### 12.16.060 - Standards for granting permits.

The granting of a tree permit pursuant to this chapter shall be based on certain criteria, including, but not limited to, the following:

- A. The condition of the tree with respect to disease, danger of falling, and the proximity to existing or proposed structures;
- B. The necessity to remove a tree in order to construct proposed improvements to prevent economic hardships to the owner of the property. The burden of proof shall be the responsibility of the applicant at the time of the application to remove the tree;
- C. The topography of the land, the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface water;
- D. The number of trees existing in the neighborhood. Decisions shall be guided by the standards established in the neighborhood and the effect of the tree removal upon property values in the area; and
- E. Good forestry practices, such as the number of healthy trees which a given parcel of land or area can support.

(Prior code § 10-605)

#### 12.16.070 - Planting deposit required.

No such permit shall be issued unless and until an application therefore shall have been filed and a sum of money as determined by resolution of the City Council shall have been deposited with the City Clerk of the City, to be used for the planting of trees, bushes and shrubs in the public streets, ways, parks or park strips of the City. In the event any person, firm or corporation obtaining such a permit shall, at his own expense replace any tree, bush, or shrub removed in

compliance with this chapter, with a tree, bush or shrub recommended by the City Manager, the deposit herein required shall be refunded six months after such replacement upon inspection and approval by the City Manager.

(Ord. 233 § 12, 1955: prior code § 10-302; Ord. No. 298, § 2, 5-28-2019)

12.16.080 - Removal of dead trees at City expense.

All dead trees upon any public street, way, park, place or park strip shall be removed at the expense of the City.

(Prior code § 10-303; Ord. No. 298, § 2, 5-28-2019)

12.16.090 - Trimming.

Trees, bushes or shrubs may be trimmed by employees of the street department or by a qualified tree specialist when a permit shall have been obtained from the superintendent of streets.

(Prior code § 10-304)

12.16.100 - Appeals.

Any decision made by an individual or body pursuant to the provisions of this chapter may be appealed to the City Council. Such appeal must be submitted in writing to the City Clerk within 20 days of the decision being appealed, briefly stating the facts and the grounds of appeal, and signed by the appellant. Upon receipt of said appeal, the City Clerk shall set the matter as a public hearing on the Council agenda at the earliest convenience, but in all events not less than 45 days from the date of filing said appeal and shall notify the appellant of such setting.

(Prior code § 10-606; Ord. No. 298, § 2, 5-28-2019)

12.16.110 - Violations—Penalties.

A. Any person violating or causing or permitting the violation of any of the provisions of Sections 12.16.010 through 12.16.100 including the removal of a tree without a valid tree removal permit shall be guilty of a violation of the Municipal Code and shall be punished as provided in Section 1.16.030. Each tree removed, destroyed or disfigured shall constitute a separate violation.

B. In addition to any other penalty imposed, any person found guilty of violation of any of the provisions of Sections 12.16.010 through 12.16.100 shall be required to either provide and plant mature replacement trees or to reimburse the owner of the damaged trees for the value thereof, as may be deemed appropriate.

C. A violation may also be grounds for the city to commence proceedings which could lead to the revocation or suspension of any permit for development which the city determines is associated with the violation. The city manager or his designee may issue a stop work order, if within the city manager's reasonable judgment, such action is necessary to prohibit the probable or further violation of the

provisions of these sections. Such a stop work order shall set forth the reasons for the stop work order and direct the recipient to the initial party with whom possible remedies for the violations must be explored. The stop work order may be withdrawn by the city manager or his designee upon finding that the circumstances giving rise to the order no longer exist. Any decision to issue a stop work order may be appealed to the city council under the provisions of Section 12.16.100.

(Ord. 231 § 3, 1994)