



Planning & Building Department

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Heritage Tree Protection Requirements

Excerpts from Land Use Code Chapter 20.24, Article II

Last Updated: November 13, 2019

20.24.035 Purpose

The purpose of these regulations is to protect certain trees in order to preserve cultural heritage, maintain and enhance the scenic beauty of the community, improve air quality, assist in abating soil and slope erosion, and preserve and enhance property values, thus promoting the public health, safety and welfare.

20.24.040 Applicability

These regulations regulate the removal of heritage trees that are sited on private property and public rights of way.

20.24.045 Definitions

The following terms as used in this article shall have the following meanings.

Encroachment. Any intrusion or human activity into the protected zone of a tree including, but not limited to, grading, excavating, trenching, parking of vehicles, storage of materials and equipment, or the construction of structures or other improvements.

Heritage tree. Any tree that has a diameter of thirty (30) inches or more, measured two (2) feet above the level ground, or any tree or group of trees identified by City Council resolution upon a finding that the tree or group of trees:

- Is of historic value because of its association with a place, building, natural feature or event of local, regional, national or historic significance.
- Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site or historic district.
- Is representative of a significant period of the City's growth or development and was the result of a planting dedicated by citizens, civic groups or the City.

Protected tree. Any significant or protected tree.

Protected zone. A specifically defined area totally encompassing any tree protected under the provisions of this Title within which work activities are strictly controlled. The protected zone consists of that area extending from the tree trunk to the drip line and in no case shall the protected zone be less than ten (10) feet from the trunk of the tree.

Qualified arborist. Any person certified by the International Society of Arboriculture.

Removal of a tree. The uprooting, cutting or severing the main trunk of a tree of any action which causes a tree to die or be seriously damaged, including but not limited to damaging the root system by machinery, storage of materials, soil compaction, substantially changing the grade above the root system or trunk, excessive pruning, paving with concrete, asphalt or other impervious material in the vicinity of the tree, excessive or inadequate irrigation, or any action which may reasonably be expected to significantly weaken the health, structure or vigor of a tree.

Routine maintenance. Actions taken for the continued health of a tree, including but not limited to, deadwooding, insect spraying, fertilizing, feeding, pruning, trimming and watering.

Tree. Any woody perennial plant with a single trunk diameter of six (6) inches or more or a combination of multiple trunks with a total diameter of twelve (12) inches or more, measured four and one-half (4.5) feet above the average natural grade.

Tree permit. An entitlement issued by the City authorizing the removal, relocation or specific work to be performed within the protected zone of a heritage tree.

20.24.050 Tree permit required

Tree permits are required for the removal of heritage trees and encroachments into identified protected areas immediately adjacent to heritage trees, except under the following circumstances.

- A. Routine maintenance, including trimming of street trees and trimming of trees on private property by a utility company licensed by the Public Utilities Commission to maintain required clearances around utility installations.
- B. Removal of a heritage tree under emergency circumstances if personal injury or property damage is imminently threatened in the judgment of the Public Works Director, Planning and Building Director, Police Chief, Fire Chief, Electrical Utility Director or City Manager.
- C. Removal of a heritage tree that is dead or so diseased or damaged that it is no longer viable, as determined jointly by the City Arborist and Planning and Building Director.
- D. Removal of a heritage tree on a parcel developed with a residence, provided the property is not capable of further land subdivision and the tree was not required to be planted as a mitigation measure or condition of approval.

20.24.055 Tree permit process

No person shall remove or cause to be removed any heritage tree unless a tree permit is obtained in the following manner.

- A. Applications for tree permits shall be reviewed by the City Arborist and Planning and Building Director or designee, which shall consist of an on-site investigation of the tree(s) proposed for removal.
- B. Applications to allow for encroachment within the protected zone of a heritage tree may be requested to accommodate new construction such as buildings, building additions, patio covers, decks, swimming pools, spas, fences, walls and similar improvements.
- C. The Planning and Building Director may grant tree permits when all or substantially all of the criteria set forth in Section 20.24.065 are satisfied.
- D. Decisions of the Planning and Building Director may be appealed to the Planning Commission in accord with the appeal procedure set forth in Section 20.28.085.

20.24.060 Permit applications

An application for a tree permit may be filed, along with any required fee as determined by the City Council, with the Planning and Building Director on the appropriate form. The Planning and Building Director shall require a tree permit application together with any application for tentative subdivision maps, design review or any other proposals for development that may involve the removal, relocation or encroachment adjacent to trees governed by this section. Each application shall contain the following information:

- A. A statement for the reasons for removal, encroachment or relocation.
- B. The number, species, size and type of the tree(s) affected and trees not affected.
- C. A map or diagram indicating the location of the affected trees in relation to property lines, buildings and structures, streets, sidewalks or other improvements. If the application is in association with a

proposed development project, the location of affected trees shall be plotted on a grading and utility plan.

- D. Photographs of trees to be removed or relocated.
- E. Proposed method of removal.
- F. For tree relocation, the relocation site shall be identified and site preparation and relocation methods described.
- G. In addition, the Planning and Building Director may cause to be prepared, at the applicant's expense, a report by a qualified arborist to assist in making a determination regarding a tree permit application.

20.24.065 Criteria for evaluating tree permit applications

The following criteria shall be used to evaluate tree permit applications.

- A. The condition of the tree with respect to disease and danger of falling.
- B. Potential health and safety conditions to the general public or to other nearby trees;
- C. The necessity to remove trees or to encroach into protected zones in order to construct proposed improvements, to allow reasonable economic enjoyment or use of the property.
- D. Topography of the site and the effect of tree removal on erosion, soil retention and potential increased flows of surface waters.
- E. The number of trees on the property and the surrounding area and the effect of tree removal upon property values in the area.
- F. Professional arboricultural practices, including the number of healthy trees a site will safely support.

20.24.070 Conditions of approval

- A. Tree permits may include conditions of approval necessary to ensure that the purposes of this section are met.
- B. Conditions of approval may include but are not limited to the following:
 - 1. The replacement of trees proposed for removal with trees of a suitable size, number and species.
 - 2. Development and implementation of a Tree Location and Preservation Plan prepared by a qualified arborist, which may include some or all of the following information:
 - a. A listing of all trees on the site, including size, species, canopy size and location. Trees to be removed or relocated shall be indicated on the plan;
 - b. A program to monitor and protect trees from construction activities;
 - c. A five-year minimum maintenance and preservation program, secured by a cash surety;
 - d. Development of appropriate conditions, covenants and restrictions, landscape easements, special assessment districts and other measures to protect significant and heritage trees;
 - e. Standards and specifications for tree location, replacement, paving, grading, trenching and similar features.
 - 3. The retention of a qualified arborist to supervise all pruning, relocation and trimming of heritage and significant trees.
 - 4. Protection of trees through the use of temporary fencing around root zones and placement of natural organic fill inside root zones. (Ord. 950 § 2 (Exh. A § 18105(h)), 1998.)

20.24.075 Replacement of removed trees

When any heritage trees are to be removed, they shall be replaced at a ratio of three new trees for every heritage tree removed, according to the schedule listed below. Replacement trees proposed to be planted within a public right-of-way shall be approved by the City arborist. If the planning and building director

determines it would be infeasible to plant replacement trees on the same site or within immediately adjacent rights-of-way, an in-lieu equivalent fee may be paid based on a schedule of in-lieu fees established by the City Council. In-lieu fees collected shall be placed in a Tree Planting and Maintenance Fund to be used for the purpose of planting and maintaining trees throughout the city. (Ord. 950 § 2 (Exh. A § 18105(i)), 1998.)

20.24.080 Tree protection guidelines

- A. Development proposals shall protect and preserve heritage trees to the fullest extent possible. Care shall be exercised by all individuals, builders, contractors and others working near protected trees so that no damage occurs to such trees.
- B. The following measures shall be used to preserve and protect the health of trees to remain, relocated trees and new trees planted to replace those removed:
 - 1. All trees to be saved shall be enclosed by a construction barrier placed around the protected zone of the tree, including but not limited to chain link fencing or other material acceptable to the planning and building director and City arborist, prior to the issuance of any grading or building permit and prior to the commencement of work. Barriers are to remain intact until construction is complete and may not be removed without the written consent of the planning and building director.
 - 2. When proposed development or other site work is to encroach into the protected zone of a tree, special measures shall be incorporated to allow for safe and healthy conditions for protected trees.
 - 3. Any excavation, cutting, filling, paving or construction of the existing ground surface within the protected zone of a tree shall be minimized. No adverse significant change in existing ground level shall occur within the drip line of a protected tree.
 - 4. Development proposals shall be configured to retain as many heritage and significant trees as possible.
 - 5. Construction equipment and material shall not be stored within tree protection areas. No oil, gas, chemicals or other substances that may be harmful to trees shall be stored or dumped within the protected zone or any other location on the site from which such substances might enter the protected zone.
 - 6. Trenching within the protected zone of trees shall be avoided wherever possible. Trenching for utilities shall avoid major roots and, if avoidance is impractical, tunnels shall be made below roots. Trenching is to be consolidated to serve as many units as possible. Trenching within the protected zone shall be done by hand to minimize impacts.
 - 7. Additional measures may be imposed by the planning and building director to protect and preserve the health of the trees to remain, relocated trees and new trees planted to replace those removed. (Ord. 950 § 2 (Exh. A § 18105(j)), 1998.)