

ORDINANCE NO. 22-****

**AN ORDINANCE OF THE CITY OF REDONDO BEACH,
CALIFORNIA ADDING CHAPTER 11 TO TITLE 5, OF THE
REDONDO BEACH MUNICIPAL CODE, ESTABLISHING A
TREE PROTECTION AND PRESERVATION LAW**

WHEREAS, on August 17, 2021, the Redondo Beach City Council considered establishing an ordinance regulating trees in public ways as well as on private property. At that meeting, the City Council directed the Public Works, Planning and Recreation and Parks Commissions to look into the feasibility of a tree protection ordinance; and

WHEREAS, on March 15, 2022, staff returned to Council to present the findings of the commissions; and

WHEREAS, at the March 15, 2022 meeting, the City Council directed staff to draft an ordinance with the goal and policy of one to one tree replacement, protecting heritage trees on public and private property with civil enforcement mechanisms; and

WHEREAS, the City of Redondo Beach, California (City) has a strong interest in encouraging the protection of beautiful urban forest;

WHEREAS, the City Council finds that additional protections are required to protect its urban forest and its Heritage Trees; and

WHEREAS, the City Council finds that it is necessary to amend its Municipal Code to provide for this additional protection.

THE CITY COUNCIL OF THE CITY OF REDONDO BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT. Chapter 11 is added to Title 5, of the Redondo Beach City Municipal Code and shall read as follows:

Chapter 11 Tree Protection and Preservation

Section 5-11.01 Purpose.

Tree protection and preservation is necessary for the health and welfare of the City. Trees growing within the City are an aesthetic resource which help define the character of the city, and provide many social, economic, and environmental benefits. Trees are worthy of protection in order to preserve the scenic beauty, prevent soil erosion, provide shade and

wind protection, serve as a natural buffer between adjacent land uses, and counteract air pollution.

It is pertinent to the public peace, harmony, and welfare that such trees be protected from indiscriminate cutting or removal of mature trees, especially where such trees are located on properties that are slated for new development. Trees have a positive economic effect on the city by enhancing property values and making the city a more attractive place in which to live, visit, and do business.

This chapter establishes policies, regulations, and standards necessary to ensure that the city will continue to realize the benefits that a healthy urban forest provides. The provisions of this chapter are enacted to:

- a) Establish policies for the protection of certain categories of trees and criteria for the orderly (as opposed to indiscriminate) removal of such trees;
- b) Protect the indiscriminate removal of healthy, mature trees within the city;
- c) Prohibit the destruction, "indiscriminate severe pruning" and "topping" of mature, protected trees;
- d) Maintain trees and mitigate hazards using the most current acceptable arboricultural standards and practices; and
- e) Provide for the enforcement and administration of tree protection, there by promoting and protecting public health, safety and welfare and enhancing the quality of life.

Section 5-11.02 Definitions.

For purposes of this chapter the following terms shall have the meaning set forth below:

"ANSI A300 Pruning Standards." Is an industry-developed, national consensus standards by ANSI (American National Standards Institute) for the practice of tree care such as reasons to prune a tree may include, but are not limited to, reducing risk, managing tree health and structure, improve aesthetics, or achieving other specific objectives. Intended for use by federal, state, municipal, private entities including arborists, property owners, property managers, and utilities.

"Carve" means to take an object and scrape, cut, gouge, slice, or pierce through the bark of a live tree and remove pieces of the bark and tree, causing damage.

"Certified arborist" means a person who has demonstrated extensive knowledge regarding trees and their culture and holds a current arborist certificate by the International Society of Arboriculture and/or is a Registered Consulting Arborist by the American Society of Consulting Arborists.

"Circumference measured at breast height." shall be defined as the measurement around the tree trunk that is measured at four and one-half (4½) feet above ground level. Trees that split into multi-trunks below four and one-half (4½) feet shall use the sum of each individual trunk measured at four and one-half (4½) feet above ground level to determine the circumferences.

"Destroy(s) or destruction." means any physical state or condition in which a tree is dead or is so severely damaged that its death is imminent.

"Diameter at breast height (dbh)." Dbh means that the tree's diameter is measured at four and one-half (4½) feet above ground level. Trees that split into multi trunks below four and one-half (4½) feet shall use the sum of each individual trunk measured four and one-half (4½) feet above the natural grade to determine the diameter.

"Drip line." Is a line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

"Favored Tree." Species of trees that are encouraged for use in the City as they have been found to be visually appealing and compatible with the City's climate and infrastructure.

"Disfavored Tree." Species of trees that are not encouraged for use in the City as they have been found to be incompatible with the City's climate and infrastructure.

"Hazard or hazardous condition." means any condition in a tree that poses a significant and imminent threat of serious injury or harm to the public or catastrophic damage to real property.

"Heritage Tree." means any tree, shrub, or plant that meets one of the following criteria:

- a) Any woody plant having a single trunk circumference of fifty-six (56) inches or more measured at breast height, a point four and one-half (4½) feet above the natural grade;
- b) Any multi-trunk tree whose multiple trunks have a combined circumference of seventy-five (75) inches or more measured at a point four and one-half (4½) feet above the root crown;
- c) Any tree that is thirty-five (35) feet or more in height as measured from the root crown to the highest point above the root crown;
- d) Any stand of trees the nature of which makes each dependent upon the others for

survival;

- e) Any other tree as may be deemed historically or culturally significant by the Urban Forestry Manager, the Community Development Director or the City Council because of its size, connection to the city's history or lore, location, or aesthetic qualities.

"Lion-tailing." refers to the excessive removal of branches from the lower two-thirds of a stem or branch, or the removal of only the lower and interior branches when pruning.

"Maintain or maintenance." is defined as the act(s) of routinely pruning, trimming, spraying, fertilizing, watering, treating for disease or injury or any other similar act which promotes growth, health, beauty, and life of trees.

"Multi-trunk." means any tree with multiple trunks attributed to a single tree. Each trunk shall be measured at a height of four and one-half (4½) feet above ground level, and the combined circumference of the trunks shall be used to determine the tree's size for purposes of this chapter.

"Protected Tree." means any Public tree or Heritage Tree as defined in this Section.

"Tree Protection Zone or "TPZ." means a specifically defined area totally encompassing a Protected Tree within which work activities are strictly controlled. When depicted on a map, the outermost edge of the Tree Protection Zone will appear as an irregular shaped circle that follows the contour of the drip line of the Protected Tree. In no case shall the Tree Protection Zone be less than fifteen (15) feet from the trunk of a Protected Tree, or exclude the known root structure in the case of irregularly shaped trees.

"Pruning." Pruning, trimming, or thinning means to reduce the size of a tree using industry accepted standards, as established by the International Society of Arboriculture and/or the American National Standards Institute (ANSI) A300 Standards-Pruning, to control the height and spread of the tree, preserve its health and natural appearance, produce fuller branching and shaping, or make adjustments which will increase its longevity in an urban environment.

"Public tree." Any tree planted in the public right-of-way, park, parkway, median, easement or on any other city-owned property.

"Private tree." Any tree planted on private property.

"Removal/remove." Removal or remove means the uprooting, cutting or severing of the main trunk, or major branches of a tree or any act which causes, or maybe reasonably expected to cause a tree to die, including but not limited to the following; inflicting damage upon the root system of a tree by machinery, storage of materials, or soil compaction; substantially changing the grade above the root system or trunk of the tree and excessively or severely pruning or root pruning.

"Root prune." The process of cutting roots behind the line of a planned excavation to prevent tearing and splintering of remaining roots.

"Serious harm." With regard to any tree, any act or activity that causes damage to a tree thereby leaving the tree in a physical state that, in the judgment of the Urban Forestry Manager or any other Certified Arborist retained by the city, (i) makes the death of the tree reasonably eminent; (ii) significantly shortens the normal life expectancy of the tree; or (iii) makes it impossible or reasonably unlikely that the tree can be fully restored to a condition of good health and/or normal appearance within thirty (30) calendar days of such harm having been inflicted.

"Severely prune" means pruning the tree that deviates from industry standards by "topping," "lion's tailing," removal of more than twenty-five (25) percent of the foliage or leaving stubs.

"Topping," also known as "heading back," "stubbing," and or "pollarding" means a severe type of trimming which results in the indiscriminate cutting back of large diameter branches to stubs. Such severe practices disfigure the tree and is generally hazardous to the overall health and stability of a tree.

Section 5-11.03 Public Trees - Prohibited activities.

(a) Only the City and City-authorized contractors may trim, carve, remove, severely prune or relocate a Public Tree absent prior authorization by the Public Works Director or designee.

(b) It shall be unlawful for any person to engage in the practice lion-tailing or topping any Protected Tree.

(c) It shall be unlawful for any person to attach or keep attached to any Public Tree any rope, wire, nail(s), tack(s), staples, advertising posters, or other contrivance whatsoever.

(d) It shall be unlawful for any person or their agent, employee licensee or invitee thereof to enter upon a property to poison a Protected Tree.

(e) It shall be unlawful for any person to deposit, discharge, release or apply or allow any agent, employee, invitee or licensee to release or apply any hazardous material or toxic substance upon the ground that lies within the drip line of a Protected Tree.

(f) It shall be unlawful for any person to engage in any activity or practice that causes or otherwise results in the destruction of a Protected Tree. This provision does not apply if such activity is performed incident to the lawful removal or destruction of the Protected Tree pursuant to a tree removal permit issued pursuant to this chapter.

(g) For purpose of this chapter, actions or activities that are reasonably likely to

cause serious harm to a Protected Tree or result in its destruction include, but are not limited to, the following prohibited activities:

- (1) Setting fire to or otherwise burning any part of the root system, bark or branches of a Protected Tree;
- (2) The depositing, discharge, release or application of hazardous materials, toxic substances or poisons upon the Protected Tree (excluding the use of legal and properly applied pesticides or fungicides) upon the tree itself or upon the ground that lies within the drip line of the tree;
- (3) Changing the grade above the root system or the trunk, unless permitted by the Public Works Director or designee;
- (4) Any action or activity deemed unlawful pursuant to subsections (a) through (f) of this section;
- (5) Trenching, excavating or paving within the Tree Protection Zone of the tree, unless permitted by the Public Works Director or designee;
- (6) Excessive paving with concrete, asphalt or other impervious materials in such a manner which may reasonably be expected to kill the tree, unless permitted by the Public Works Director or designee;
- (7) Substantially changing the grade above the root system or trunk, unless permitted by the Public Works Director or designee;
- (8) Excessive watering within the drip line of the tree;
- (9) Damage, disfigurement or other injury inflicted upon the trees branches, trunk or root system by machinery, the storage of materials, soil compaction, driving, or parking of vehicles;
- (10) Installing artificial turf in the Tree Protection Zone of a Public Tree.

Section 5-11.04 – Public Trees - Non-Development Requests to Remove

(a) Non-development related requests shall be submitted to the Public Works Department and reviewed by the Urban Forestry Manager. The criteria for approval shall include, but not be limited to the following: (1) if the tree is in poor health due to age or disease and cannot be restored; (2) if the tree has grown to a point that it has caused or is causing damage to public infrastructure, which includes but is not limited to curbs, gutters, sidewalks, driveways and utilities; (3) if the tree presents a safety hazard that cannot be mitigated.

(b) Requests associated with (1) view obstruction; (2) the age of a tree or (3) maintenance demands shall not be considered.

(c) Upon approval of a non-development related request for removal of a tree, the City shall remove the tree and replace it with a 24-inch box tree. The City shall post notices 15 days prior to removing the tree.

Section 5-11.05 – Public Trees - Development Related Requests to Remove

(a) Development related requests shall be submitted to the Public Works Department and reviewed by the Urban Forestry Manager. The criteria for approval shall be approved only if the tree (1) presents a significant impediment and (2) there are no reasonable alternatives to the removal of the subject tree.

(b) Development related requests for Public Tree removal associated with view or appearance related factors shall not be considered.

(c) Upon approval of a development related request for removal of a tree, the Public Works Department will remove the tree subject to the payment by requestor of the fee to the Tree Enhancement Account. The fee shall be the valuation of the subject tree and the cost to replace the tree with a 24-inch box tree as determined by the Urban Forestry Manager. The City shall post notices 15 days prior to removing the tree.

Section 5-11.06 - Protection of Public Trees during Construction.

(a) All persons shall undertake the following prior to the commencement of any construction or demolition activities and until the issuance of a certificate of occupancy or a temporary certificate of occupancy:

(b) Install a sturdy fence at the perimeter of the Tree Protection Zone of a Protected Tree;

(c) Prohibit excavation, grading, drainage and leveling within the TPZ of a Protected Tree;

(d) Prohibit the storage or disposal of oil, gasoline, chemicals or other harmful materials within the TPZ or in drainage channels, swales or other areas that may lead to the protected zone;

(e) Refrain from any of the unlawful activities set forth under Sections 5-11.03 5-11.04 and 5-11.05;

(f) Design utility services and irrigation lines to be located outside of the protected zone of a Protected Tree to the extent reasonable feasible;

(g) Notify the Urban Forestry Manager of any serious harm, destruction or other damage that befalls a Protected Tree during construction or demolition activities and in no event shall the applicant undertake the removal of any Protected Tree not otherwise slated for removal unless and until the Urban Forestry Manager has been given the opportunity to inspect the subject tree, evaluate its prospects for survival and issue a written determination as to whether the tree should be allowed to remain or removed pursuant to a retroactively issued permit pursuant to this chapter.

Section 5-11.07 – Public Trees – Exemptions.

The following types of trees and/or activities shall be exempt from the provisions of this

chapter:

(a) 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 licensed nursery and or tree/farm;

(b) Routine pruning and maintenance that adheres to those industry accepted pruning and maintenance standards set forth under the ANSI A300 Pruning Standards;

(c) Trees which are determined by a Certified Arborist to be a hazard and/or pose a threat to public safety or personal property;

(d) Trees which, in the opinion of the Public Works Director or designee, have caused damage or have the potential to cause damage to public infrastructure;

(e) Trees which require maintenance or removal action to protect existing electrical power or communication lines or other property of a public utility;

(f) Trees located 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 Public Works Director or designee.

Section 5-11.08 – Public Trees – Sale of Property

In the event of the sale of a property, owner of the property shall be required to plant a 24-inch box public tree in the adjacent parkway, in accordance with applicable City codes and permitting requirements, if the City identifies an appropriate vacant space.

Section 5-11.09 – Public Trees – Violations and Penalties

(a) Any person who removes a Public or Protected Tree shall be subject to a fine equivalent to the valuation of the subject tree as determined by the Urban Forestry Manager or fifteen thousand dollars (\$15,000.00), whichever is greater, and the cost of purchasing five (5) replacement a twenty-four (24") inch box trees. The collection of the penalties may be enforced pursuant to the City's lien power and by civil action brought by the City Attorney.

(b) If a violation occurs in the course of any construction activities authorized pursuant to a conditional use permit, variance, design review, tentative map or other discretionary land use approval or any city-issued grading permit, building permit, excavation permit or temporary certificate of occupancy, the city, in addition to all other remedies available to it under this chapter, may issue a stop-work order suspending and prohibiting further activity on the property until a mitigation plan has been filed with and approved by the Community Development Director, agreed to in writing by the property owner(s) and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for the protection of any remaining Protected Trees.

Section 5-11.10 Public Trees - Fee Schedule.

By resolution, the City Council may establish and from time to time amend the Master Fee Schedule determining the amount that will be charged for the recovery of costs associated with the administration and enforcement of the regulatory program established under this chapter, including but not limited to the processing and review of appeals made to any decision or determination of the city pursuant to this chapter.

Section 5-11.11 Public Trees – Appeals.

A property owner or resident who wishes to overturn a decision of the Urban Forestry Manager shall file a written appeal of the decision to the Public Works Director within ten (10) calendar days of the Urban Forestry Manager's decision.

The written appeal shall state the facts and grounds for the appeal, accompanied by the appropriate fee, and must be signed by the appellant.

Appeals shall be considered by the Public Works Commission and be set on the Public Works Commission agenda as reasonably practicable, but no later than 60 days after the date the appeal is filed. The decision of the Public Works Commission shall be final.

Section 5-11.12 Public Trees – Lists of Favored and Disfavored Trees.

City will maintain lists of favored and disfavored tree species. Lists are not intended to be comprehensive and other species may be found to be favored or disfavored.

Section 5-11.13 – Public Trees - Policies and guidelines.

The City Council may establish and from time to time amend or modify administrative policies and guidelines consistent with the provisions of this chapter to provide more detailed guidance and parameters to staff in the enforcement of this chapter.

Section 5-11.14 Private Trees - Prohibited activities.

(a) It shall be unlawful for any person to carve, remove, severely prune or relocate a Heritage Tree on private property, unless such activity is performed incident to the lawful removal, to the issuance of a tree removal permit issued by the Community Development Director or designee pursuant to this chapter.

(b) It shall be unlawful for any person to engage in the practice lion-tailing or topping any Heritage Tree.

(c) It shall be unlawful for any person or their agent, employee licensee or invitee thereof to enter upon a property to poison a Heritage Tree.

(d) It shall be unlawful for any person to deposit, discharge, release or apply or allow any agent, employee, invitee or licensee to release or apply any hazardous material or toxic substance upon the ground that lies within the drip line of a Heritage

Tree.

(e) It shall be unlawful for any person to engage in any activity or practice that causes or otherwise results the removal of more than twenty-five (25) percent of the foliage of a Heritage Tree or that otherwise leaves a Heritage Tree significantly deprived of branches (i.e., only stubs), unless such activity or practices is performed incident to the lawful removal or destruction of the Private Tree pursuant to a tree removal permit issued by the Community Development Director or designee for Heritage Trees pursuant to this chapter.

(f) It shall be unlawful for any person to engage in any activity or practice that causes or otherwise results in the destruction of a Heritage Tree. This provision does not apply if such activity is performed incident to the lawful removal or destruction of the Private Tree pursuant to a tree removal permit issued by the Community Development Director or designee for Heritage Trees pursuant to this chapter.

(g) For purpose of this chapter, actions or activities that are reasonably likely to cause serious harm to a Heritage Tree or result in its destruction include, but are not limited to, the following prohibited activities:

- (1) Setting fire to or otherwise burning any part of the root system, bark or branches of a Heritage Tree;
- (2) The depositing, discharge, release or application of hazardous materials, toxic substances or poisons upon the Heritage Tree (excluding the use of legal and properly applied pesticides or fungicides) upon the tree itself or upon the ground that lies within the drip line of the tree;
- (3) Changing the grade above the root system or the trunk;
- (4) Any action or activity deemed unlawful pursuant to subsections (a) through (g) of this section;
- (5) Trenching, excavating or paving within the Tree Protection Zone of the tree;
- (6) Excessive paving with concrete, asphalt or other impervious materials in such a manner which may reasonably be expected to kill the tree;
- (7) Substantially changing the grade above the root system or trunk;
- (8) Excessive watering within the drip line of the tree;
- (9) Damage, disfigurement or other injury inflicted upon the trees branches, trunk or root system by machinery, the storage of materials or soil compaction.

Section 5-11.15 - Protection of Private Trees during Construction.

All persons shall undertake the following prior to the commencement of any construction or demolition activities and until the issuance of a certificate of occupancy or a temporary certificate of occupancy:

- (a) Install a sturdy fence at the perimeter of the Tree Protection Zone of a Heritage Tree;
- (b) Prohibit excavation, grading, drainage and leveling within the TPZ of a Heritage Tree;
- (c) Prohibit the storage or disposal of oil, gasoline, chemicals or other harmful materials within the TPZ or in drainage channels, swales or other areas that may lead to the protected zone;
- (d) Refrain from any of the unlawful activities set forth under Sections 5-11.12;
- (e) Design utility services and irrigation lines to be located outside of the protected zone of a Heritage Tree to the extent reasonable feasible;
- (f) Notify the Community Development Director or designee of any serious harm, destruction or other damage that befalls a Heritage Tree during construction or demolition activities and in no event shall the applicant undertake the removal of any Heritage Tree not otherwise slated for removal unless and until a certified arborist under the direction of the Community Development Director has been given the opportunity to inspect the subject tree, evaluate its prospects for survival and issue a written determination as to whether the tree should be allowed to remain or removed pursuant to a retroactively issued permit pursuant to this chapter.

Section 5-11.16 – Private Trees – Exemptions.

The following types of trees and/or activities shall be exempt from the provisions of this chapter:

- (a) 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 licensed nursery and or tree/farm;
- (b) Routine pruning and maintenance that adheres to those industry accepted pruning and maintenance standards set forth under the ANSI A300 Pruning Standards;
- (c) Trees which are determined by a Certified Arborist to be a hazard and/or pose a threat to public safety or personal property;
- (d) Trees which, in the opinion of the Community Development Director or designee, has caused damage or the potential to cause damage to public infrastructure;
- (e) Trees which require maintenance or removal action to protect existing electrical power or communication lines or other property of a public utility;

- (f) Trees located on private property where their removal or relocation is necessary to obtain adequate line-of-sight distances as required by the Public Works Director or designee;
- (g) Fruit trees; and
- (h) Any tree located on the site of a development project for which a variance, conditional use permit, design review, or tentative map approval was obtained from the city prior to January __, 2023 for a development project for which a valid building permit was lawfully issued by the city prior to January __, 2023, provided that the physical improvements contemplated and authorized under such land use entitlements and/or building permits necessarily require the removal or relocation of the tree in order to construct the improvements in the manner approved under the land use entitlement(s) or permit(s). Prior to removal or relocation of any Heritage Tree pursuant to this exemption that property or developer shall notify the Community Development Director or designee of its intent to remove or relocate a Heritage Tree so that an arborist under the direction of the Community Development Director may evaluate whether or not the tree may be preserved or relocated without undue burden or expense to the developer or property owner.

Section 5-11.17 – Private Trees - Permit Requirements.

(a) No person shall remove, relocate, destroy, or engage in any activity that causes serious harm to a Heritage Tree, unless such actions are incident to the authorized removal or destruction of a Heritage Tree pursuant to a permit issued by the Community Development Department.

(b) Routine pruning and maintenance of Heritage Trees shall not require a permit but shall in all cases be in conformance with the most current guidelines of International Society of Arboriculture and the American National Standards Institute (ANSI) A300-Pruning Standards. Pruning which, in the opinion of a Certified Arborist, deviates from these guidelines, such as "topping," "lion's tailing," and severely pruning shall be subject to fines and penalties.

Section 5-11.18 – Private Trees - Permit Application.

(a) An application for Heritage Tree removal permit shall be filed, together with any required fees as set by resolution of the City Council. Applications shall be filed with Community Development Department. The application shall be submitted with a report which shall contain information as determined by an arborist to be necessary for evaluating the proposed removal of a Heritage Tree, and shall include, but not be limited to the following information:

- (1) A statement as to reasons for removal or relocation;
- (2) The health of any tree declared dead, diseased, infested, or dying shall be determined by a Certified Arborist;

- (3) The number, species, and size (circumference as measured four and one-half (4 ½) feet from ground level) and height of tree;
- (4) The location of all trees onsite on a plot plan in relation to structures and improvements (e.g. buildings, sidewalks, fences, slopes, retaining walls, etc.);
- (5) Photographs of the trees proposed to be removed or relocated;
- (6) If the tree is proposed to be relocated, the relocation site shall be identified and site preparation and relocation methods described;
- (7) Proposed method of removal or relocation; and
- (8) Proposed tree replacement plan the substantive features and content of which shall be established administratively by the Community Development Director or designee.

(b) The Community Development Director or designee may require a report by a "third party" certified arborist to assist in making a determination on the tree removal permit application. All costs associated with using a certified arborist shall be paid by the applicant.

Section 5-11.19 – Private Trees - Permit Procedure.

(a) Upon receipt of the application, the Community Development Director or designee shall visit and inspect the subject property and the tree(s) proposed for removal and shall ascertain the following:

- (1) Confirm that the tree or trees in question are in fact Heritage Trees;
- (2) The general health, vigor, and condition of the tree;
- (3) The presence of existence of any signs of disease, decay, or infestations that may be present;
- (4) Any damage or the potential to cause damage to public infrastructure, utilities, and property caused by the tree;
- (5) Any hazardous conditions or imminently hazardous conditions that may be present.

If such factors are determined to exist, a tree risk assessment will be performed by a certified arborist. The cost incurred by the city for the tree risk assessment, requiring a certified arborist's report or tree appraisal shall be paid by the applicant.

(b) The Community Development Director or designee may grant the issuance of a Heritage Tree removal permit if one or more of the following findings can be made:

- (1) The condition of the tree(s) is such as to create a hazardous condition;
- (2) The tree(s) pose a threat to the public health and safety;
- (3) The tree(s) are dead, severely diseased or decayed, infested, and in a state of irreversible decline;
- (4) The tree(s) have an abnormal and uncorrectable structure or appearance due to severe pruning practices;

- (5) The tree(s) significantly interfere with utilities and utility service;
- (6) The tree(s) are causing damage to structures as follows:
 - A. Sidewalks, Curbs, Drives, Buildings, and Other Structures. Removal shall be granted if the cost to repair the damage exceeds the appraised value of the tree (using the method established by the Guide for Plant Appraisal 9th edition, by the Council of Tree and Landscape Appraisers) or if the tree is incompatible with the growing space or proposed development.
 - B. Sewer, Gas, Electrical, Water and Other Utilities. Removal shall be granted if it can be determined that the tree caused the damage to the utility. It will be the applicant's responsibility to demonstrate the cause. Interference with underground utilities, which can be rerouted or repaired and protected from root pruning, generally does not constitute grounds for tree removal.
- (c) The permit shall be valid for a period of ninety (90) days, unless an extension is requested fourteen (14) days prior to the expiration of the permit.
- (d) Subsequent to investigation, the Community Development Director or designee may deny or approve the permit for removal of all or some of the trees included in the application, and may attach conditions of compliance as deemed necessary, including but not limited to the replacement of the removed tree(s) with a twenty-four (24") inch box tree from the city's recommended tree palette at a 1:1 ratio.
- (e) The decision of the Community Development Director or designee can be appealed by the applicant by submitting a letter of appeal and the appropriate fee to the Community Development Director within ten (10) calendar days of the Community Development Director or designee's decision. The appeal letter shall state with reasonable specificity the facts and grounds for the appeal and be signed by the appellant. Appeals shall be considered by the Community Development Department within thirty (30) calendar days of the date of the filing of the appeal.

Section 5-11.20 – Private Trees - Tree replacement policy.

All removed trees shall be replaced with a tree ratio of 1:1. Applicant shall plant a twenty-four (24") inch box tree and shall be planted with suitable species selected from the city's recommended tree palette and with the approval from the Community Development Department. If any trees cannot be planted on the subject property, an in-lieu fee may be paid into the city's Enhancement Account pursuant to the fee schedule as adopted in the City's Master Fee Schedule.

Section 5-11.21 – Private Trees - Emergency waiver.

A permit shall not be required for the removal or destruction of a Heritage Tree under this chapter, in cases of emergency weather conditions or other catastrophic events including, but not limited to, earthquake, fire, flood, windstorms, or lightening wherein

such conditions have created or are creating an immediate danger to the health, safety and welfare of persons or property and the immediate removal of a Heritage Tree is deemed necessary to abate a hazardous condition, provided such removal is performed by (i) Public Works Maintenance personnel acting under the authority and direction of the City Manager, Public Works Director, Chief of Police, Fire Chief or their designees; or (ii) emergency response personnel of the Redondo Beach Fire Department, the Redondo Beach Police Department in the course of responding to an emergency event or occurrence.

Section 5-11.22 – Private Trees – Sale of Property

In the event of the sale of a property, owner of the property shall be required to plant a 24-inch box tree in the adjacent parkway if the City identifies an appropriate vacant space.

Section 5-11.23 – Private Trees – Violations and Penalties.

(a) Any person who removes a Heritage Tree shall be subject to a fine of fifteen thousand dollars (\$15,000.00) or the valuation of the removed tree made by a certified arborist working under the direction of the Community Development Director, whichever is greater, and the cost of purchasing five (5) replacement a twenty- four (24”) inch box trees. The collection of the penalties may be enforced pursuant to the City’s lien power and by civil action brought by the City Attorney.

(b) If a violation occurs in the course of any construction activities authorized pursuant to a conditional use permit, variance, design review, tentative map or other discretionary land use approval or any city-issued grading permit, building permit, excavation permit or temporary certificate of occupancy, the city, in addition to all other remedies available to it under this chapter, may issue a stop-work order suspending and prohibiting further activity on the property until a mitigation plan has been filed with and approved by the Community Development Director, agreed to in writing by the property owner(s) and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for the protection of any remaining Protected Trees.

Section 5-11.24 Private Trees - Fee schedule.

By resolution, the City Council may establish and from time to time amend the Master Fee Schedule determining the amount that will be charged for the recovery of costs associated with the administration and enforcement of the regulatory program established under this chapter, including but not limited to the processing and review of appeals made to any decision or determination of the city pursuant to this chapter.

Section 5-11.25 Private Trees - Appeals.

A permit applicant who wishes to overturn a decision of the Community Development Director's designated arborist shall file a written appeal of the decision to the Community Development Director within ten (10) calendar days of the Community Development Director's decision.

The written appeal shall state the facts and grounds for the appeal, accompanied by the appropriate fee, and must be signed by the appellant.

Appeals shall be considered by the Planning Commission and be set on the Planning Commission agenda as reasonably practicable, but no later than 60 days after the date the appeal is filed. The decision of the Planning Commission shall be final.

Section 5-11.26 – Private Trees - Policies and guidelines.

The City Council may establish and from time to time amend or modify administrative policies and guidelines consistent with the provisions of this chapter to provide more detailed guidance and parameters to staff in the enforcement of this chapter.

SECTION 2. INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. SEVERANCE. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in The Easy Reader, the official newspaper of said city, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED AND ADOPTED this ____day of _____, 2023.

Mayor William C. Brand

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council held on the ____ day of _____, 2023, and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the ____ day of _____, 2023, and there after signed and approved by the Mayor and attested by the City Clerk, and that said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk