

ORDINANCE NO. 3251-23

**AN ORDINANCE OF THE CITY COUNCIL 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, at the January 17, 2023 meeting, the City Council reviewed the draft ordinance that staff prepared pursuant to the direction of the City Council and pursuant to the discussions with the public and interested stakeholders and provided direction to revise the ordinance; and

WHEREAS, at the February 7, 2023 meeting, the City Council considered the ordinance, staff presentation, public comments, discussion and the CEQA exemption and had a discussion; 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

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, 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, Public 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.

"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.

"Tree Protection Zone or "TPZ." means a specifically defined area totally encompassing a Public 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 Public Tree. In no case shall the Tree Protection Zone be less than fifteen (15) feet from the trunk of a Public 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.

"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 Public 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 Public 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 Public 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 Public Tree. This provision does not apply if such activity is performed incident to the lawful removal or destruction of the Public 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 Public 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 Public Tree;
- (2) The depositing, discharge, release or application of hazardous materials, toxic substances or poisons upon the Public 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 Public Tree;

(c) Prohibit excavation, grading, drainage and leveling within the TPZ of a Public 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 Public Tree to the extent reasonable feasible;

(g) Notify the Urban Forestry Manager of any serious harm, destruction or other damage that befalls a Public Tree during construction or demolition activities and in no event shall the applicant undertake the removal of any Public 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 the Public Works Director or Designee 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 – Violations and Penalties.

(a) Any person who removes a Public 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 Public Trees.

Section 5-11.09 - 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 5-11.10 - 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 5-11.11- 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 5-11.12 - 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 2. CEQA. The City Council considered and adopted findings and

exemptions under the California Environment Quality Act (CEQA), including but not limited to findings that said additional regulations and/or amendments of existing regulations are not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3), 15061(b)(3) and 15308 of the CEQA Guidelines, and that the code amendments are not a “project” subject to Section 15378(b)(5). The adoption of an ordinance to protect trees in the public right of way protects the environment and establishes regulatory procedures for protecting the trees that benefit the public health, safety, and welfare.

SECTION 3. 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 4. 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 5. 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 14th day of February, 2023.

DocuSigned by:
Nils H. Nehrenheim
DC2A3D6CA98045B...
For _____
William C. Brand, Mayor
Nils H. Nehrenheim,
Mayor Pro Tempore

APPROVED AS TO FORM:

DocuSigned by:
Michael W. Webb
669049EDE03D402...

Michael W. Webb, City Attorney

ATTEST:

DocuSigned by:
Eleanor Manzano
72F2AC716C214CF...

Eleanor Manzano, CMC, City Clerk

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

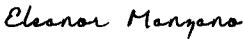
I, Eleanor Manzano, City Clerk of Redondo Beach, California, do hereby certify that Ordinance No. 3251-23 was introduced at a regular meeting of the City Council held on the 7th day of February, 2023, and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 14th day of February, 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: NEHRENHEIM, LOEWENSTEIN, HORVATH, EMDEE

NOES: NONE

ABSENT: OBAGI, JR

ABSTAIN: NONE

DocuSigned by:

72F2AC716C214CF...
Eleanor Manzano, CMC
City Clerk