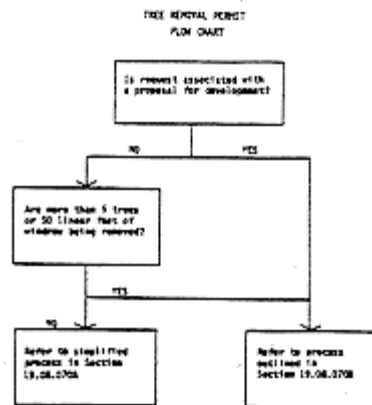


[Title 19 ENVIRONMENTAL PROTECTION](#)

[Chapter 19.08 TREE PRESERVATION*](#)

19.08.070 Permit--Procedures.



A. Private Property. Where an application for a tree removal permit is filed on private property and is limited to five trees or fifty linear feet of windrow the following procedure is established:

1. Upon receipt of the application, the city planner or designee shall investigate the site and evaluate the request on the basis of the following criteria:

- a. The condition of the tree(s) with respect to disease, danger of collapse of all or any portion of the trees(s), proximity to an existing structure, or interference with utility services,
- b. The necessity to remove a tree in order to construct improvements which allow economic enjoyment of the property,
- c. The number of trees existing in the neighborhood; and the effect the removal would have on the established character of the area and the property values,
- d. Whether or not such trees are required to be preserved by any specific plan, community plan, condition of approval, or designated as a historic landmark;

2. Subsequent to investigation, the city planner may approve the permit for the 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 reasonably equivalent replacement trees. The city planner, or his or her designee, may refer any request to the planning commission for a determination where it is determined the application involves unusual site development requirements or unique characteristics, or raises questions of policy substantially more significant than generally pertain and which require planning commission consideration;

3. The permit shall be valid for a period of ninety days, unless an extension is requested fourteen days prior to the expiration of the permit.

B. Associated with a Proposal for Development. Where an application for a tree removal permit is associated with a proposal for development or is on private property and involves greater than five trees or more than fifty linear feet of windrow, the following procedure is established:

1. Upon receipt of the application, the city planner or designee shall investigate the site and evaluate the application on the basis of the following criteria:

- a. The condition of the tree(s) with respect to disease, danger of collapse of all or any portion of the

tree(s), proximity to an existing structure, or interference with utility services;

b. The necessity to remove a tree in order to construct improvements which allow economic enjoyment of the property;

c. The number of trees existing in the neighborhood; and the effect the removal would have on the established character of the area and the property values;

d. Whether or not the removal of the tree(s) is necessary to construct required improvements within the public street right-of-way or within a flood control or utility right-of-way;

e. Whether or not the tree could be preserved by pruning and proper maintenance or relocation rather than removal;

f. Whether or not such tree(s) constitute a significant natural resource of the city; and

g. Whether or not such trees are required to be preserved by any specific plan, community plan, condition of approval, or designation as historic landmark.

2. The city planner shall give priority to the inspection of those requests based upon hazardous conditions.

3. The city planner, or his or her designee, may refer any request to the planning commission for a determination where it is determined the application involves unusual site development requirements or unique characteristics, or raises questions of policy substantially more significant than generally pertain and which require planning commission consideration.

4. Where an application for a tree removal permit is associated with a proposal for development, the city planner shall complete his investigation and make a report to the planning commission. The planning commission shall review the case, and shall conduct a public hearing where required, concurrently with the development application. In making his determination, the city planner shall give consideration to the commission's review and comment.

5. Permit Notification. At least ten days prior to making a decision, the city planner or designee shall provide for public comment through notice to the property owners adjoining the subject property that such tree removal permit was requested and the results of the investigation. The public hearing notification required by Section 17.02.110 shall include a description of the tree removal permit request.

6. Subsequent to investigation, the city planner or planning commission shall approve, conditionally approve or deny the application to remove or relocate any heritage tree(s). The city planner or planning commission may impose conditions deemed necessary to implement the provisions of this chapter, including, but not limited to, replacement of the removed or cut down tree or trees with tree (s) of species and quantity commensurate with the aesthetic value of the tree or trees cut down or removed; tree relocation to another site on the property; provided, that the environmental conditions of said new location are favorable to the survival of the tree; and, provided further, that such relocation is accomplished by qualified landscape architect or qualified arborist.

C. Where the trees in question are designated as a historic landmark, a request for a tree removal permit shall be subject to review by the historic preservation commission and landmark alteration permit procedure pursuant to Section 2.24.120. The action of the historic preservation commission shall be forwarded to the planning commission. The following trees are designated as historic landmarks:

Victoria Avenue. 21 palm and 62 Eucalyptus street trees facing Lots 13, 15, and 16, Block H; Tract 5754, Block H; and Lots 1 and 2, Block J, Etiwanda Colony Lands (Designated 3/4/81 by Ordinance No. 138)

Highland Avenue. 41 palm and 291 Eucalyptus street trees facing Lots 13-16, Block E; and Lots 1-4, Block H, Etiwanda Colony Lands (Designated 4/1/81 by Ordinance No. 141)

D. Appeal Procedure. Any person aggrieved by the denial or approval of a tree removal permit shall be afforded recourse of appeal in the manner described below. The filing of an appeal shall automatically suspend the permit issued until action thereon is taken by the appropriate authority. In hearing such an appeal, the appeal body (planning commission or city council) may affirm, affirm in part, or reverse the previous determination on the tree removal permit.

1. Administrative Decision. Appeals based on decisions by the city planner may be filed by an aggrieved party with the planning commission. Except as otherwise provided in this title, such appeal is to be filed with the secretary of the planning commission in writing, together with any appeal fee,

within ten calendar days of the decisive action. The planning commission may consider the matter and may affirm or reverse wholly or partly, the action which is in question.

2. Planning Commission Decision. Appeal of a planning commission decision may be made by filing a written notice of appeal with the city clerk, together with any appeal fee, within ten calendar days following the planning commission's decision. The city council will consider the matter and may affirm or reverse wholly or partly, the action which is in question.

E. Approval Period. Tree removal permits shall be effective following the ten-day appeal period and shall be valid for a period of ninety days, subject to extension. Where the tree removal permit is associated with a proposal for development, the ninety days shall start from the date of final map recordation or building permit, whichever comes first. (Ord. 276 § 2 (part), 1986)