



**City of
Laguna Beach**
Public Works & Utilities Dept.

INFORMATIONAL GUIDE FOR THE:

Tree Removal and Planting Policy for Public Trees

Revised August 13, 2024

TREE REMOVAL PROCESS FOR PUBLIC TREES

Public trees are an asset to the community of Laguna Beach. While it is recognized that in some instances public trees may need to be removed if they are dead, in decline, diseased, or pose an imminent risk to public safety or structures, they should be preserved whenever possible. If there is a perceived failure risk, prior to the removal of any tree located in a public “park” or within a “street” right-of-way as those terms are defined in Municipal Code Section 12.04.010, the following steps shall be followed:

Private Party Request for Tree Removal: If the removal is requested by a private party, the following steps must occur:

1. The private party must submit a letter to the attention of the Director of Public Works & Utilities identifying the tree and stating the reasons for the request. Acceptable reasons may include, but are not limited to: the tree constitutes a safety hazard, the tree is damaging public/private improvements, the tree is significantly diseased and should be removed to prevent the spread of disease or pests to other nearby trees, the tree is dead, in decline, or the tree represents a fire hazard.
2. The Director of Public Works & Utilities may require the private party to pay for a City-retained arborist who is an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist and/or an International Society of Arboriculture (ISA) Certified Arborist. The arborist shall prepare a report on the condition of the tree, including how the tree meets the threshold for removal outlined in Step 1, and provide their recommendations. In some cases, the City may require an ISA Level III Risk Assessment of the tree and/or peer review by a second City-retained arborist, including when the tree appears otherwise healthy, or is free from visually observable defects. The arborist(s) shall be requested to attend meetings of the City Council. The private party will be responsible for the cost of additional reports and for the arborist(s) to attend these meetings.
3. The Director of Public Works & Utilities, or their designee, shall review the request and all available arborist reports, inspect the tree, consult with an ASCA Registered Consulting Arborist, ISA Certified Arborist, or the City Arborist. The Director of Public Works & Utilities will make a finding and recommendation whether the tree should be removed.

4. If a public tree is recommended for removal, the Director of Public Works & Utilities shall provide notification of the Recommendation for Public Tree Removal and, where applicable, the recommended replacement tree species to the City Manager and the City Council. If an arborist report or reports were required by the Director of Public Works & Utilities, a copy of the report(s) will be posted to the City website. Public notification of the recommendation will be made via the City's website and to members of the public via an interested parties subscription list. The notice shall reference that the subject tree has been identified with a high-visibility ribbon tied around it.
5. The City will accept public comments regarding the recommended removal for seven (7) calendar days. All public questions and comments must be submitted, in writing, to the Director of Public Works & Utilities, or their designee. The City will respond to public input with a written memo and a final recommendation posted to the City website.
6. The City Manager, the City Council and the subscription list will be notified of the final recommendation of the Director of Public Works & Utilities. Within two (2) business days of the posted final recommendation, any City Council member shall have the opportunity to request of the City Manager that the matter be agendaized for the next available City Council meeting. In the absence of such notification, the tree may be removed immediately and, where applicable, the recommended replacement tree may be planted immediately.

City Proposal for Tree Removal: If removal is proposed by the City, the following steps must occur:

1. The Director of Public Works & Utilities must make a finding that the tree represents a safety hazard, the tree is damaging public/private improvements, the tree is significantly diseased and should be removed to prevent the spread of disease or pests to other nearby trees, the tree is dead, in decline, or the tree represents a fire hazard. The Director of Public Works & Utilities has the discretion to require a report or reports prepared by the City Arborist or a City-retained arborist or arborists who are ASCA Registered Consulting Arborists and/or ISA Certified Arborists. If the subject tree appears otherwise healthy or is free from visually observable defects, the Director of Public Works & Utilities may require an ISA Level III Risk Assessment be performed to verify the tree is a candidate for removal.
2. A site analysis will be performed, and the Director of Public Works & Utilities will determine if this planting site is a suitable location for replacement tree planting, should the subject tree ultimately be removed. If the existing location is suitable for replacement tree planting, the Director of Public Works & Utilities will recommend a replacement tree species and include this information in the Recommendation for Public Tree Removal.
3. Sections 4, 5, and 6 and of the Private Party Request will be followed.

Heritage Trees: The intent of the Heritage Tree ordinance is to preserve distinctive trees in the City. It is a misdemeanor for any person to remove, destroy or substantially alter or cause to be removed, destroyed or substantially altered, any heritage tree in the City without obtaining a permit to do so; provided that, in cases of emergency when a tree is hazardous or dangerous to life or property, it may be removed by order of the Police or Fire Departments. Permits for removal of any designated Heritage

Tree shall comply with the provisions of Municipal Code Chapter 12.08 (“Preservation of Heritage Trees”).

Exemptions from the Tree Removal Process:

If there is an imminent risk to public safety for which the timeframe identified in this policy would put the public and/or structures in immediate danger, the Director of Public Works & Utilities may remove a tree immediately. In such cases, the Director of Public Works & Utilities shall provide notification to the City Manager and the City Council within 2 business days. The interested parties subscription list will also be notified, and a notification will be posted to the City website. For the purposes of this exemption, examples of situations where a tree may be an imminent risk to public safety include, but are not limited to:

1. Trees significantly damaged by storm events, landslides, vehicle accidents, and/or when visible structural failure of the tree has already occurred.
2. Dead or diseased trees: Dead trees are a safety, fire, and vector hazard. Diseased trees are often a vector for serious pests and diseases. Failure to immediately remove dead or diseased trees presents an unacceptable level of risk to the public and to other public and private trees in the area.
3. Small trees (less than six inches in diameter): The Director of Public Works & Utilities may remove trees of this size that are damaged, in serious decline, or in need of replacement.
4. Trees which have a “High” rating of invasiveness as determined by the California Invasive Plant Council. Because their reproductive biology and other characteristics are conducive to moderate or high rates of dispersal, these types of trees cause severe ecological impacts for native plant and animal communities.

NEW PUBLIC TREE PLANTING PROCESS

The urban forest is a green infrastructure network that provides many environmental, societal, economic, and human health benefits to the Laguna Beach community. If a public tree must be removed, the City of Laguna Beach will strive to replace that tree in the same location, whenever possible.

Planting trees in new locations is crucial to expanding canopy coverage and maximizing the benefits that the urban forest provides. The replacement of public trees that have been removed cannot by itself adequately reverse the loss of tree canopy over time. If a tree is to be planted in a public “park” or within a “street” right-of-way (as those terms are defined in Municipal Code Section 12.04.010) the following steps shall be followed:

- 1a. If a private party wishes to request a public tree be planted, a letter must be submitted to the attention of the Director of Public Works & Utilities requesting a public tree planting and if there is a particular species that is being requested.

- 1b. If the City is proposing a public tree planting, information will be left with the adjacent property owner to inform them of the new public tree planting opportunity and the recommended species.
2. The Director of Public Works & Utilities, or their designee, shall review the request, perform a site assessment, and will make a finding on whether this is a viable tree planting location. An *Initial Recommendation for Public Tree Planting* will be made, including which species is proposed for this location. The criteria for determining tree planting size or species include, but are not limited to: recommendations made by the *Laguna Beach Landscape and Scenic Highways Resource Document*, location of nearby utilities (above and below ground), size of the planting area, proximity to other public or privately owned trees, conflicts with public or private infrastructure including lighting elements, ADA compliance, site distance obstruction, fire safety considerations, significant view impairment to established *Record of Views* on file with the City, and neighborhood objections. When planting trees in new locations, the City will seek to minimize significant view impairments to properties with established *Record of Views* on file with the City. The Director of Public Works & Utilities may require the City Arborist to produce a report that outlines the site assessment and *Recommendation for Public Tree Planting*.
3. A wooden stake with a high-visibility ribbon will be placed at the location where the tree planting is being proposed. In the case of multiple tree plantings, the field marker will be labelled with the species to be planted in that location. Public notification of the *Recommendation for Public Tree Planting* will be posted to the City's website, sent via email to the interested parties subscription list, and sent via First-Class mail to all property owners within 500 feet of the proposed tree planting location. In addition, properties outside of the 500-foot radius with an established *Record of Views* on file with the City, will be notified if there is the potential for significant view impairment.
4. The City will accept public comments regarding the proposed public tree planting for seven (7) calendar days. All public questions and comments must be submitted, in writing, to the Director of Public Works & Utilities, or their designee. The City will respond to public input with a written memo and a final recommendation posted to the City website.
5. The City Manager, the City Council, the subscription list, and all affected property owners described in Section 3 will be notified of the final recommendation of the Director of Public Works & Utilities. Within two (2) business days of the posted recommendation, any City Council member shall have the opportunity to request of the City Manager that the matter be agendaized for the next available City Council meeting. In the absence of such notification, the tree may be planted immediately.

Exemptions from the Public Tree Planting Process:

1. In-kind species replacement planting of trees at locations with a previously approved Recommendation for Public Tree Planting.
2. Replacement planting of trees in conformance with a previously approved landscape plan.