

**Updated Tree Preservation
Ordinance
Frequently Asked Questions (FAQ's)
September 2015**

The information below is provided to address frequently asked questions (FAQ's) related to recent zoning ordinance amendments to the City's Tree Preservation Ordinance (Section 18.50.110 of the Zoning Ordinance). The items in the FAQ's are intended to address the most significant revisions to the ordinance and to address past questions asked most frequently by the public.

1. Which tree species are “protected” and what trunk diameter measurement is used to determine if a given tree species is defined as “protected”?

A. Permit required. No person, firm, corporation, private or public utility or governmental entity shall remove, relocate, excessively trim, damage or demolish a protected tree or heritage tree prior to obtaining a tree removal permit from the Zoning Administrator or approval from another applicable City decision-making body pursuant to subsection C, I or J of this section. City initiated projects shall also be subject to all of the provisions of this chapter unless specifically exempted by the City Council.

1. Protected trees. The term “protected tree” means any of the following:

- a. Any *native* oak tree with a trunk diameter measurement of **9 inches or larger.**
- b. Any *indigenous* tree with a trunk diameter measurement of **9 inches or larger.** Indigenous trees include but are not limited to: *Alnus Oregona* (Red Alder), *Acer Macrophyllum* (Bigleaf Maple), *Aesculus Californica* (California Buckeye), *Arbutus Menziesii* (Madrone), *Umbellularia Californica* (California Bay or Laurel), *Juglans Hindsii* (California Black Walnut), *Platanus Racemosa* (California Sycamore), or *Sambucus Mexicana* (Elderberry).

Note: The California Native Plant Society list of indigenous/native trees for the Bay Area can also be referenced to determine whether a tree is considered native or indigenous to the region.

- c. A *nonnative* tree (not including *Eucalyptus*) with a trunk diameter measurement of **18 inches or larger.** Nonnative trees include species such as *Sequoia Sempervirens* (Coastal Redwood), *Pinus Canariensis* (Canary Island Pine), *Pinus Halepensis* (Aleppo Pine), *Pinus Pinea* (Italian Stone Pine), *Pinus Radiata* (Monterey Pine), *Ulmus Americana* (American Elm), *Ulmus Parvifolia* (Chinese Elm), *Ulmus Pumila* (Siberian Elm), *Liquidambar Styraciflua* (American Sweet Gum), *Cedrus Deodara* (Deodar Cedar), *Cedrus Atlantica* (Atlas Cedar), *Fraxinus Uhdei* (Shamel Ash), *Fraxinus American* (White Ash), *Fraxinus Augustifolia* (Raywood Ash), *Cupressus* (Cypress species), *Morus Alba* (Fruit/Fruitless Mulberry), Chinese Pistache, *Robinia pseudoacacia* (Black Locust), *Pyrus Calleryana* (Bradford Pear), *Cinnamomum Camphora* (Camphor).
- d. Any tree shown to be preserved on an approved tentative map, development or site plan or required to be retained as a condition of approval or environmental mitigation measure.
- e. Any tree required to be planted as a replacement for an unlawfully removed tree.

f. Any tree designated as a “heritage tree” pursuant to subsection E of this section.

2. Where is the trunk diameter measurement taken on the tree to determine if a Tree Removal Permit is required?

Trunk diameter measurement means measurement of the width of the tree trunk, in inches, from one side of the trunk to the opposite side, at a height of **54 inches above the existing ground surface adjacent to the trunk of the tree** (note: this measurement is referred to as “*diameter at breast height*” or DBH). Alternatively, measure the circumference of the tree’s trunk (in inches) at 54 inches above the existing ground surface and divide by 3.14 (Pi) to calculate the diameter. For trees located on a slope, this measurement is taken from the midpoint between the lowest and highest point of existing grade adjacent to the tree trunk. For trees with more than one trunk, the combined diameter of all trunks measured at 54 inches (DBH) above the ground will determine the diameter of that individual tree (see also the attached diagram below indicating where diameter measurements are taken in various situations).

3. Are replacement trees required to be planted after a Tree Removal Permit is approved?

Replacement ratios. Unless otherwise specified by the zoning administrator or other applicable city decision-making body, the replacement ratios for tree removal are as follows:

- A *protected native or indigenous tree* approved for removal shall be replaced by at least **two 15-gallon trees** on the project site (if replacement is not feasible on the project site, please discuss options with City planning staff).
- A *protected nonnative tree* approved for removal shall be replaced by at least **one 15 gallon tree** on the project site (if replacement is not feasible on the project site, please discuss options with City planning staff).

4. What is the fee for a Tree Removal Permit and for a request for an Exemption from the Tree Removal Permit process?

a. Tree Removal Permit

- 1-5 Trees (\$74.90)
- If more than 5 trees (\$149.80 per hour of staff time)

b. Exemption

- \$0

5. What are the most typical reasons requested for an Exemption from the Tree Removal Permit process?

Exemptions. A tree removal permit is not required prior to removal of a protected tree under any of the following circumstances:

- Removal is determined necessary by fire department personnel actively engaged in fighting a fire.
- Immediate removal is required to prevent imminent danger to life or property, such as with a “hazardous tree” or if necessary to restore utility service within 48 hours of a storm, and the City Manager or his/her designee has been notified of the removal at the earliest opportunity, and it is not feasible to obtain a permit prior to removal (in which case a tree removal permit shall be submitted within five days of removal to ensure that the provisions of this chapter and any other applicable provisions of the municipal code or applicable land use entitlements are satisfied).
- The Zoning Administrator determines that the tree is dead. The Zoning Administrator may require submittal of a report from a licensed arborist if deemed necessary to verify the condition of the tree. A fee is not be required for a determination by the Zoning Administrator that a tree is dead. Dead trees that are removed do not require replacement unless located on a site with a City-approved landscape plan or subject to a landscape maintenance agreement, in which case, the dead tree must be replaced on a 1:1 basis.

6. What is the procedure for requesting a Tree Removal Permit or Exemption from the Tree Removal Permit process?

Tree Removal Permit: Submittal of the following:

1. Application (signed by the property owner)
2. Fee
3. Tree Condition Evaluation Report (completed by a State Licensed Arborist)
4. Site Photographs
5. Site Plan (basic sketch showing tree location on the site)
6. Tree Replacement Plan

The following is a link to the tree application on the City of Pleasant Hill Website - <http://www.ci.pleasant-hill.ca.us/DocumentCenter/Home/View/9745>

Exemption Request: Submittal of the following:

1. Application (signed by the property owner)
2. Site Photographs
3. Site Plan (basic sketch showing tree location on the site)
4. Tree Replacement Plan (if applicable)

Note: *Subsequent to an inspection of the tree, the Zoning Administrator shall*

determine if the tree qualifies for “exemption” status or if the applicant is required to submit a Tree Condition Evaluation Report to further support the request for an Exemption.

7. Is a permit required for tree trimming?

A Tree Removal Permit is required for “excessive trimming” of a tree. The definition of “excessive trimming” is provided below. Note: *City staff recommends that the property owner contact the City prior to any significant tree trimming, so that City staff may determine if the scope of work is defined as “excessive trimming” and thus whether a Tree Removal Permit will be required to be submitted for review.*

Excessive trimming: means removing in excess of one-fourth (25%) or greater, of the functioning leaf, stem or root area within one year. Trimming in excess of 25% is potentially injurious to the tree and is a prohibited act that constitutes removal. Excessive trimming typically results in the tree appearing as a “bonsai,” “lion’s tailed,” or “lolly-popped,” or overly thinned. Excessive trimming also includes removal of the leaf or stem area predominantly on one side, topping, or excessive tree canopy or crown raising. Exceptions may be considered by the zoning administrator subject to review and approval of a tree removal permit when such trimming is determined by the zoning administrator to be the only feasible way to provide necessary clearance from overhead utilities or public improvements or to abate a hazardous condition or public nuisance, or when the trimming is recommended by a certified arborist due to the health and/or structure of the tree. Excessive trimming may also include the cutting of any root two inches or greater in diameter and/or severing in excess of 25% of the roots and/or pruning not in compliance with ANSI A-300, Part I pruning standard for trees, or the International Society of Arboriculture Pruning Best Management Practices (latest available revision of each).

8. What is the timeframe for review of a Tree Removal Permit request and can the City’s decision be appealed?

Zoning Administrator Review – Once the Tree Removal Permit application is determined to be complete, the Zoning Administrator will usually make a decision on the permit request within 1 to 2 weeks of a completeness determination.

In addition to a decision to approve or deny, the following may also occur:

- a) The Zoning Administrator may require a peer review arborist report of the original arborist report to ensure the original arborist report findings are valid. In addition, a peer review may be required if the information in the original arborist report is not conclusive. The peer review report (if required) will be fully funded by the applicant.
- b) The Zoning Administrator may refer a Tree Removal Permit to the Planning Commission (through a public hearing) if in his/her opinion, the removal would be controversial in nature or if the applicant submitted arborist report

is inconclusive, or for any other justifiable reason.

Zoning Administrator Decision – Once the Zoning Administrator makes a decision on the application the decision will become final within 10 days of the date of the letter of action unless an appeal to the Planning Commission is filed.

Anyone may appeal the decision of the Zoning Administrator to the Planning Commission and the decision of the Planning Commission may be appealed to the City Council.

9. What is the timeframe to install the required “replacement trees” when a Tree Removal Permit is approved?

Typically, the replacement trees are required to be planted within 30 days of the date of the decision (i.e. approval date). However, an extension to the date of the replacement tree plantings, may be considered, upon written request of extenuating circumstances.

Note: If a tree is in imminent danger of failure and must be trimmed or removed as an emergency measure, and City offices are closed, a homeowner can do what is necessary to address the emergency and obtain a permit or exemption from the City after the fact. In this event, the applicant should provide photographs and any other available documentation of the emergency situation.