

CITY OF SAN MARINO



# Guideline to the City's Tree Ordinance

## Help Keep San Marino Green & Beautiful

San Marino's charming neighborhoods and shops are tucked beneath a lush canopy of trees. These trees provide us shade for our homes and help us conserve energy for air conditioning during hot summers.

San Marino's efforts to maintain its urban forest have earned the community its standing as a "Tree City USA," a designation made by the National Arbor Day Foundation, in cooperation with the U.S. Forest Service and the National Association of State Foresters.



## **Ordinance No. 23.06.15**

The tree preservation ordinance applies to residential and commercial areas in the City.

The purpose of this ordinance is to protect trees. It states that trees may not be removed or severely pruned in a way that damages them. If you wish to remove or trim a tree, please apply for a permit with the City to make sure the trees are not damaged.

Failure to abide to this ordinance could lead to enforcement remedies and penalties.

### **Tree Trimming Permit Approval Process**

Please submit a tree trimming application if you would like to trim a tree. This is important because an arborist will review whether the tree's foliage or limbs:

- Pose risk of injury or harm;
- Are diseased, damaged, or hurting the tree.

You will need a tree trimming permit if:

- More than 10% of an oak tree will be removed;
- More than 20% of a heritage or established tree will be removed.

You will NOT need a tree trimming permit if:

- The tree was damaged by natural causes and an arborist finds that the tree poses an imminent danger,
- If you're removing dead foliage/branches that are less than three inches in diameter,
- If you're a public agency or utility company - but still need to notify the City 72 hours in advance.

Please submit your application to the Community Development Director; there will be no fees for tree trimming permits.

# **Tree Removal Permit Application**

If you would like to remove a tree, please submit a tree removal application to the Community Development Director.

The application must include:

- The property owner's signature,
- A licensed State contractor's signature,
  - Contractor needs a C61 and D49 or C27 license.
- A tree plan:
  - That describes the work,
  - States the number, type, and trunk diameter of the trees that will be removed,
  - States the location of all trees on the property,
  - Whether they are Established, Heritage, or Oak trees,
  - The reason for their removal,
  - And an ISA Level 1 Tree Risk Assessment report signed by a Certified Arborist.

## **Tree Removal Permit Process**

First, you will need to submit tree removal application to the Director.

If you are removing an Established, Heritage, or Oak tree, you must state whether the tree:

- Adversely impacts the growth of adjacent trees,
- Is a nuisance or hazard to persons or property,
- Removal is part of re-landscaping plan that will provide tree canopy replacement over long term.

Finally, if the tree permit is granted:

- Permittees must replace the trees at their own expense,
- Replacement tree options are listed in the Tree Replacement Matrix provided in the following page.

TREE REPLACEMENT MATRIX	
TRUNK OF REMOVED TREE	REPLACEMENT TREES
Diameter at Breast Height	Number/Size
4-8 inches	1-36" box
9-12 inches	2-36" box
13-18 inches	4-24" box or 2-36" box
19-36 inches	8-24" box or 4-36" box
37" or greater	12-24" box or 8-36" box

## Tree Replacement Guideline

The Tree Matrix provides a basis for tree replacements.

- Please note that:
  - Heritage trees must be replaced with Heritage trees,
  - Oak trees must be replaced with Oak Trees,
  - Protected trees must be replaced with protected trees,
  - Fruit and palm trees are not acceptable tree replacements for any approved tree removals,
  - Trees must be planted in accordance with ISA's Best Practices including tree preservation, planting, and placement guidelines.

## Transplanting Trees

Before transplanting a tree, please have the new location approved by the Community Development Director. Then, have a certified arborist oversee the process.

Please note that:

- If the tree dies within one year, you will be required to plant another comparable replacement tree.
- If you'd like to reconsider the number of tree replacements you are required to make you can speak to the Director, Planning Commission, or City Council to waive or reduce your requirements.

## **Notification Requirements**

Once you obtain your tree removal permit, please provide notice to your neighbors. You must provide notice to all homes and businesses within 100 feet from the the tree at least 15 days before the removal.

- Post an 8.5" x 11" notice for at least 15 days on the tree.
- If the tree is not visible to the public right-of-way, place the notice in a location that is visible.

You must provide proof of notice to the Community Development Director so City Staff can verify and allow the tree removal process to begin.

## **Permit Expiration and Inspection**

- The permit is valid for a limited amount of time. The removal should be completed within 90 days from when the permit is issued.
- If the work is not completed within 90 days, please request a 30 day extension from the City.
- Once you're done, please notify the City within 7 days of completion.

## **Emergency Tree Removals**

An emergency tree removal may be approved when there's a hazardous or unsafe condition. The permit will only allow work that corrects the problem.

- For an emergency tree removal permit, the property owner may submit an application tree hazard report to the Director.
- If not approved, the applicant may appeal to the Planning Commission and City Council.

## **Other Requirements and Incentives**

- Construction projects must meet tree protection standards in Section 25.01.06 of Code. If the replacement or transplanted tree does not survive its first three years, it must be replaced with another tree; OR
  - Pay the City the cost of replacing it.

## **Violation, Enforcement, and Restoration**

- If you violate the code you may be liable for remedies determined by the City Code. Please note that persons who violate these provisions may be guilty of a misdemeanor.
- If you damage or remove a tree you must:
  - Pay the standard inspection fee,
  - Pay double the required permit fee,
  - Plant double the number of replacement trees required,
  - Pay double the tree replacement fine in the amount of the value of the destroyed, removed, or damaged tree (The City arborist will determine value with the ISA Guide).
- If the violation occurred in the context of a development project:
  - Planning Commission will determine if violation was in furtherance of development,
  - The violations will require restitution trees to be planted on either the property or public land,
  - Pay fees within 60 days of the City's request for remedies,
  - If tree replacements are not done within this time period, the Director may plant the trees and assess reimbursement.
- Failure to pay may lead to:
  - Civil action,
  - Use of a debt collection agency,
  - A lien on the subject property; following notice and public hearing with costs incurred passed to the applicant.

## **Tree Restoration Plan**

- In addition to penalties, any person that permits damages to Established, Heritage, or Oak Trees must restore the environment by planting trees.
- If there is an unlawful tree removal, it must be replaced with a 36-inch box tree (number of trees and their diameter will be determined by the Director).
- The trees will be planted in locations that will best restore the visual environment to the one before the unlawful action.
- If the property cannot accommodate the tree(s), they may be planted on publicly owned property at locations determined by the Director.
- Property owner may select species of tree from a provided list, except for Oak Trees which may only be replaced by Oak Trees.
- Director may reconsider a tree restoration if the replacement tree dies within one year.
- Determination of an unlawful tree removal and imposition of a tree restoration plan may be appealed.
- Failure to comply with tree restoration plan within 30 days will lead to a separate violation.

**Thank You for Helping Us  
Keep San Marino Green**

# Definitions

## HERITAGE TREES

- A tree that is at least fifteen feet (15') in height, and/or whose trunk diameter is at least four inches (4") at its widest point, when measured at a point four and one-half feet (4.5') above natural grade.

## ESTABLISHED TREES

- A tree that is not a Heritage Tree or an Oak Tree, that is at least fifteen feet (15') in height, and/or whose trunk diameter is at least six inches (6") at its widest point, when measured at a point four and one-half feet (4.5') above natural grade.

## PROTECTED TREES

- Heritage and Oak Trees must be replaced with Heritage and Oak Trees, respectively, as defined in the Municipal Code. Protected specimen trees must be replaced with specimen or heritage trees on the list of protected heritage and specimen trees.

## C61 License

- Limited specialty is a specialty contractor classification limited to a field and scope of operations of specialty contracting for which an applicant is qualified other than any of the specialty contractor classifications listed and defined in this article.

## D49 License

- A tree service contractor that prunes trees, removes trees, limbs or stumps (including grinding) and engages in tree or limb guying.

## C27 License

- A landscape contractor constructs, maintains, repairs, installs, or subcontracts the development of landscape systems and facilities for public and private gardens and other areas which are designed to aesthetically, architecturally, horticulturally, or functionally improve the grounds within or surrounding a structure or a tract or plot of land. In connection therewith, a landscape contractor prepares and grades plots and areas of land for the installation of any architectural, horticultural and decorative treatment or arrangement.