



## **San Marino Resident's Guide to the City's Tree Preservation Ordinance**

### **Help Keep San Marino Green & Beautiful**

The City of San Marino is known for its magnificent mature trees. These trees are not only important for their beauty and value to the City's residential properties but also for the environmental benefits including but not limited to providing shade for buildings, saving energy for air conditioning, hold soil in place, and enhance the protection of our watershed. They also provide habitat for birds and other animals. The National Arbor Day Foundation, in cooperation with the U.S. Forest Service and the National Association of State Foresters, has recognized San Marino as a Tree City, U.S.A. in 1988, & 2000-2017 in honor of the care we provide for our trees.

To maintain the urban canopy that makes San Marino so beautiful, the City adopted an ordinance that governs removal and replacement of trees. Tree removal requests/applications are to be reviewed by the Planning and Building director, only if he or she determines that the following requirements have been met shall a permit be approved:

In order to ensure all required steps are followed for the potential tree(s) removals at your property, please read through and understand fully in order to avoid any delays when the application is submitted to staff for review/consideration. Allow for 7-10 days for staff review once application has been submitted/paid for.

**\*Confirmed dead established trees do require a permit and possible replacement tree(s) but are not subject to the application fee.**

## Tree Definitions:

**ESTABLISHED TREE:** A tree that is not a Heritage Tree or an Oak Tree, that is at least fifteen feet (15') in height, and 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.

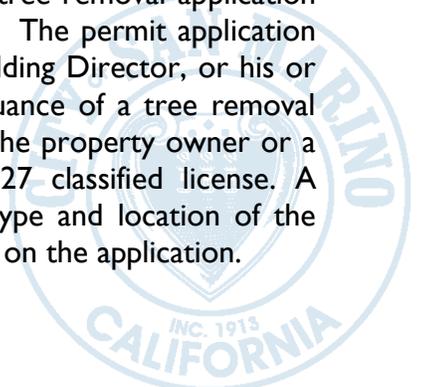
**HERITAGE TREE:** A tree that is at least fifteen feet (15') in height, and whose trunk diameter is at least four inches (4") at its widest point, when measured at a point four and one-half feet (4.5') above natural grade, and is one of the following: *Platanus racemosa*, *Juglans californica*, *Sambucus nigra*, *Sambucus Mexicana*, *Aesculus californica*, *Salix lasiolepis*, *Populus fremontii*, *Alnus rhombifolia*, *Umbellularia californica*, or *Populus trichocarpa*, *Ginkgo biloba*, *Cedrus deodora*, *Pinus canariensis*, *Pinus halepensis*, *Pinus pinea*, *Pinus thunbergiana*, *Sequoia sempervirens*, *Taxodium mucronatum*, *Calocedrus decurrens*, *Cupressus sempervirens*, *Podocarpus gracilior*, *Magnolia grandiflora*, *Magnolia xsoulangeana*, *Cinnamomum camphora*, *Persea americana*, *Liquidambar styraciflua*, *Ulmus parvifolia*, *Ficus microcarpa*, *Quercus agrifolia*, *Quercus engelmannii*, *Quercus ilex*, *Quercus lobata*, *Quercus suber*, *Brachychiton discolor*, *Brachychiton populneus*, *Chorisia speciose*, *Arbutus unedo*, *Prunus caroliniana*, *Pyrus kawakamii*, *Cassia spp*, *Ceratonia siliqua*, *Lagerstroemia indica*, *Callistemon spp*, *Eucalyptus citriodora*, *Melaleuca quinquenervia*, *Grevillea robusta*, *Cupaniopsis anacardioides*, *Koelreuteria spp*, *Schinus molle*, *Citrus sinensis*, *Fraxinus uhdei*, *Olea europaea*, *Jacaranda mimosiflora*, *Tabebuia spp*, *Brahea edulis*, *Butia capitata*, *Phoenix canariensis*, *Syagrus romanzoffianam*, *Washingtonia filifera*, and *Washingtonia robusta*.

**MULTI-TRUNK:** Any tree with multiple trunks attributed to a single plant. The diameter of each trunk shall be measured at its widest point, when measured at a point four and one-half feet (4.5') feet above natural grade, and the combined trunk diameters shall be used to determine the tree's size for the purposes of this section.

**OAK TREE:** A tree that is at least fifteen feet (15') in height, and 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, and is of the genus *Quercus*, including, but not limited to, *Quercus agrifolia* (coast live oak), *Quercus dumosa* (coastal scrub oak), *Quercus engelmannii* (engelmann oak), *Quercus berberidifolia* (scrub oak), *Quercus lobata* (valley oak), and *Quercus virginiana* (southern live oak).

## Application Procedures:

- I. Application: All persons desiring to remove an established, heritage or oak tree anywhere on a property in the R-I and C-I zones shall first complete a tree removal application form supplied by the City. The cost for the permit is \$245.00. The permit application shall contain all information necessary for the Planning and Building Director, or his or her designee, to determine whether the requirements for issuance of a tree removal permit have been satisfied. Such application shall be signed by the property owner or a licensed state contractor possessing a C61 and D49 or C27 classified license. A description of the work to be performed, and the number, type and location of the established tree(s) or oak trees to be worked on shall be stated on the application.



Additional Requirements: In granting a tree removal permit, the City may impose any of the following additional requirements:

- The permittee must replace the tree at the applicant's expense. The number, size, location and species of the replacement tree(s) shall be determined by the Tree Replacement Matrix or the Director.
- If replacement trees are required, the property owner must agree to accept the condition of replacement by signing the application prior to issuance of the permit. Nothing in this section shall preclude the City from waiving conditions for tree replacement or from requiring that tree replacement exceed a one for one basis so long as the necessary findings for granting the permit are made.
- The Director, Commission or Council may waive the requirement for tree replacement if the person or body granting the permit determines that there is not enough space on the lot to plant a tree and shall base the size and number of replacement trees on the significance of the amount of foliage remaining on the parcel after the removal of the tree(s).

### **TREE REPLACEMENT MATRIX**

<b>TRUNK OF REMOVED TREE</b>	<b>REPLACEMENT TREES</b>
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
<b>Protected Heritage and Oak trees must be replaced with Heritage and Oak trees on the list of protected heritage trees</b>	<b>The replacement tree(s) must be planted in accordance with all ISA Standards and Best Management Practices</b>
<b>Protected specimen trees must be replaced with specimen or heritage trees on the list of protected heritage and specimen trees</b>	
<b>Generally fruit and palm trees are not accepted tree replacements for any approved removals</b>	



**Permit Expiration and Inspection: All work for which a tree removal permit is issued shall be completed within ninety (90) days from the date the permit is issued, unless the City grants one written extension for a period not to exceed thirty (30) days. The permittee shall, within seven (7) business days of the completion of the work, contact the Building and Planning Director and schedule a compliance inspection.**

## **APPROVED TREE REMOVAL FOLLOW-UP NOTIFICATION REQUIREMENTS**

Following approval of a tree removal permit, and at least fifteen (15) days before the tree is scheduled for removal, the permittee shall provide written notice by personal delivery of the tree's location, removal reason(s), as well as the date and time of the scheduled tree removal to the owners and occupants of all properties within a 100-foot radius of the site on which the subject tree is located.

Immediately following approval of tree removal permit, the permittee shall also post on the subject tree an 8.5 inch by 11 inch size notice, in a form and manner approved by the Planning and Building Director, for not fewer than fifteen (15) consecutive days. If the subject tree is not readily visible from the public right-of-way, notice shall instead be posted on the parcel on which the tree is located, in a location that is visible from, and within ten (10) feet of, the public right-of-way.

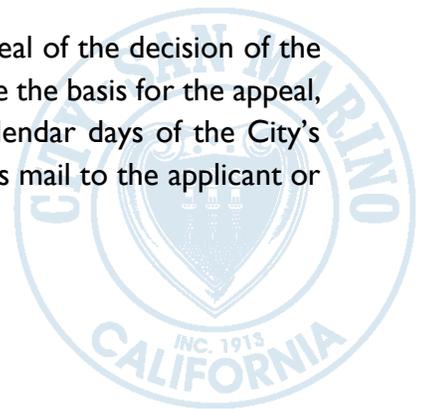
The permittee shall submit proof of the required noticing to the Planning and Building Director. No work is to begin until City staff has verified that notice was provided and posted as required.

The posted notice shall be removed upon completion of the tree removal work, or fifteen (15) days after the end of the ten (10) day posting period, whichever comes first.

**\* All work must be performed by a state licensed contractor with a current City business license- Business/Vehicle License-stickers are required to be on all vehicles at project site- Sticker must be visible for inspection by a Code Enforcement Officer- Sticker is not a parking permit**

### **Appealing a denied Tree Removal Application:**

- Provide a letter of appeal to the City Clerk, requesting the appeal of the decision of the Director. The letter must be signed by the appealing party, state the basis for the appeal, and must be received by the City Clerk within fifteen (15) calendar days of the City's decision on the permit application or of notification by first class mail to the applicant or property owner of same, whichever occurs later.



- Reports from either an ISA Certified Arborist or ISA Registered Consulting Arborist may be required for further consideration of the appeal. The written report must identify the specific health, structural and/or safety concerns that were not visible or apparent during the initial staff inspection.
- Such appeal will be processed before the Planning Commission. A decision of the Planning Commission may be appealed to the City Council.

**Violation, Enforcement and Restoration:**

*Violations for Tree Removal, Damage, Severe Prune or Topping:*

- Any person who violates or permits the violation of any provision of this Section, a condition of a tree removal permit, or a tree restoration plan imposed by Subsection 4 below, shall be subject to any of the enforcement remedies set forth in Article 4 (Violations) and Article 6 (Administrative Procedures And Penalties For Code Violations) of Chapter 1 of this Code.
- Any contractor or business who violates or permits the violation of any provision of this Section, a condition of a tree removal permit, or a tree restoration plan imposed by Subsection 4 below, shall be subject to any of the enforcement remedies set forth in Article 2, Subsection 14 of Chapter 11 (Revocation or suspension of a license or permit), in addition to those provided herein.
- Each branch of an Established Tree, Heritage Tree, or Oak Tree that is three inches (3") in diameter or greater and is removed due to severe pruning, topping, or other damage shall constitute a separate violation of this Section.

*Fines for Tree Removal and/or Damage:*

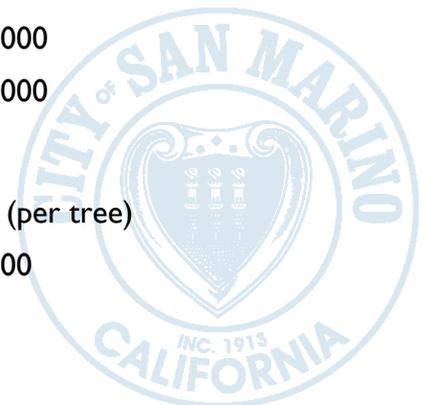
The following fines shall be charged to anyone who causes a tree to be severely pruned, topped damaged or removed that is an Established Tree, Heritage Tree, or Oak Tree on his/her property in violation of the terms of this Section. Tree diameter for these purposes shall be measured at the widest point (in inches) at four and one-half feet (4.5') above natural grade.

**Established Trees**

Violation	Diameter	Fine (per tree)
Class I	11-15	\$5,000
Class II	15-24	\$10,000
Class III	25 or more	\$25,000

**Heritage Trees**

Violation	Diameter	Fine (per tree)
Class I	4-8	\$5,000



Class II	9-12	\$10,000
Class III	13-18	\$25,000
Class IV	19 or more	\$35,000

**Oak Trees**

Violation	Diameter	Fine (per tree)
Class I	4-8	\$5,000
Class II	9-12	\$10,000
Class III	13-18	\$25,000
Class IV	19 or more	\$35,000

