

Chapter 12.08

PRESERVATION OF HERITAGE TREES*

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* Prior ordinance history: Ords. 819, 829 and 1304.

12.08.010 Intent and purpose.

This chapter is intended to preserve distinctive trees in the city, which because of their size, age and/or special features promote the beauty, character and/or sense of history in the city. It is also the intent of this chapter to establish regulations for the preservation of heritage trees within the city, and to encourage property owners to retain, maintain and preserve the aesthetic character and health and safety of heritage trees. (Ord. 1344 § 1 (part), 1998).

12.08.020 Heritage tree criteria.

The tree or trees shall have one of the following criteria in order to be eligible for placement on a heritage tree list as established in Section 12.08.040:

- A tree or stand of trees which is of historical significance and is older than fifty years;
- A tree or stand of trees which has distinctive characteristics of form, size or shape;
- A tree or stand of trees associated with a person or an event of community-wide significance;
- A large tree or stand of trees remaining from an original native stand of California Live Oaks, Sycamores and Toyons; or
- A tree or stand of trees that is scenically prominent from public view corridors. (Ord. 1344 § 1 (part), 1998).

12.08.030 Heritage tree incentives.

(a) At the request of and with the heritage tree owner's written permission, the city shall maintain heri-

tage trees located in unimproved portion of a dedicated and accepted street right-of-way easement.

(b) The tree(s) shall be placed on the heritage tree list, and a certificate shall be presented to the owner. Notice of the existence of a heritage tree shall be included in the property file and in the real property report issued by the city when property is sold.

Heritage tree owners are also eligible for the following benefits related to potential development improvements to property on which one or more heritage trees are located. The granting of any benefit shall be conditioned upon a written agreement between the city and the property owner ensuring the continued preservation and maintenance of the heritage tree(s) located on the subject property. The written agreement shall include a provision requiring subsequent heritage tree owners to continue preservation and maintenance.

(c) Payment of Public Hearing Notice Cost. Upon designation as a heritage tree by the city council, the city shall reimburse the heritage tree owners their cost of providing the public hearing notice items to the city.

(d) Planning, Design Review and Building Permit Application Fees. Planning, design review and building permit application fees shall be waived one time annually for each type of application, up to a cumulative annual maximum of five hundred dollars.

(e) Setback Flexibility. In order to locate building additions in a manner that preserves one or more heritage trees to the extent necessary for that purpose, proposed additions may be allowed to maintain setbacks up to the line of existing encroachments, provided that all setbacks for new construction comply with the Uniform Building Code. (Ord. 1344 § 1 (part), 1998).

12.08.040 Procedure for establishment of a heritage tree list.

A list of heritage trees has been established by the city council by resolution, and may be amended from time to time. Any property owner in Laguna Beach desiring to have his/her own tree or trees placed on the heritage tree list may apply to the director of community development for inclusion of the tree or trees on the list. The application shall be made on forms provided and shall include the location of the tree or trees, and the reasons for qualification on the list, as found in Section 12.08.020. Notices shall be sent to the applicant and property owners within three hundred feet of the applicant's property. Such noticing procedure shall comply with the requirements of Section 25.05.065. No tree shall be altered in any way after the day of application and until final determination has been made, and the notice shall so state.

Placement of a tree or stand of trees on the heritage tree list shall require a majority vote of the city council.

The city council, upon its own motion, may at any time review and reverse or modify its previous decisions to place any tree on the heritage tree list following the same public hearing and noticing procedure required above to designate a heritage tree. (Ord. 1344 § 1 (part), 1998).

12.08.050 Removal, destruction or substantial alteration of heritage trees.

Except for city-maintained heritage trees, each property owner is responsible for maintaining his/her heritage tree in a proper manner to sustain its health and distinctive qualities and to prevent unreasonable impairment of views and other adverse impacts to neighboring properties. Heritage trees shall be maintained in a manner consistent with the practices and policies described in the city's landscape and scenic highways resource document.

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. (Ord. 1344 § 1 (part), 1998).

12.08.060 Permits to substantially alter a heritage tree.

Any heritage tree owner desiring to trim a heritage tree not maintained by the city in a manner which substantially alters its natural form or engage in new construction within fifteen feet of the trunk of a heritage tree, shall apply to the director of community development for a permit. Replacement or repair of existing construction shall be exempt from this permit requirement. The application for a permit shall be made on forms provided for that purpose; shall state, among other things, the way in which the heritage tree will be maintained during and following construction within fifteen feet of the trees, so that the tree will not be destroyed or substantially altered. The property owner is encouraged to consult an arborist or other tree professional before submitting an application. The director of community development shall review such application, and in determining whether or not to issue a permit shall base his/her decision upon the following criteria, as appropriate:

(a) The condition of the tree or trees with respect to disease and danger of falling, and interference with utility services;

(b) The proximity of the tree or trees to existing or proposed structures; and

(c) The specific details of the trimming to be done. (Ord. 1344 § 1 (part), 1998).

12.08.070 Permit to remove a heritage tree.

Any heritage tree owner desiring to remove a heritage tree shall apply to the city council for approval. Approval to remove a heritage tree shall require a majority vote of the city council. The application shall include a scaled plan and photographic documentation delineating the location of the tree and reason(s) for the proposed removal. Notices shall be sent by mail to the applicant and property owners within three hundred feet of the applicant's property. Such noticing procedure shall comply with the requirements of Section 25.05.065. In its determination as to whether or not to approve the removal of a heritage tree, the city council shall consider the following criteria, as appropriate:

(a) The condition of the tree or trees with respect to disease and danger of falling, and interference with utility services;

(b) The proximity of the tree or trees to existing or proposed structures;

(c) The topography of the land and the effect of the removal of the tree or erosion, soil retention and diversion or increased flow of surface waters;

(d) The number of trees existing in the neighborhood and the effect the removal would have on the established landscape of the area; and

(e) The degree of view impairment or any unsafe condition that would result if the tree were to remain. (Ord. 1344 § 1 (part), 1998).

12.08.080 Appeals.

Any decision of the director of community development, pursuant to this chapter, may be appealed to the city council. Appeals shall be in writing, shall be signed by the applicant, shall state the reasons the appeal is made and shall be filed with the city clerk not later than five p.m. of the tenth business day after the decision.

The city clerk shall set the matter for hearing before the city council at the next regular meeting thereof, which is ten days or more after the receipt of the appeal. Notice of the time of the hearing shall be given the appellant and the applicant for permit, by mail, at least ten days prior to the date of the hearing. (Ord. 1344 § 1 (part), 1998).