



**City of  
Laguna Beach**  
Public Works Department

**INFORMATIONAL GUIDE FOR THE:**

# **Tree Removal and Replacement Policy for Public Trees**

**Revised June 4, 2019**

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, dying, 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:** 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 City’s Director of Public Works 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 or dying, or the tree represents a fire hazard.
- 2) The Director of Public Works shall review the request, shall inspect the tree, consult with a Registered or Certified Arborist, and will make a finding and recommendation whether the tree should be removed.
- 3) The Director of Public Works may require the private party to pay for a City-retained arborist who is a Registered Consulting Arborist (RCA) of the American Society of Consulting Arborists (ASCA) and/or International Society of Arboriculture (ISA) Certified Arborist. The arborist shall prepare a report on the condition of the tree and provide recommendations. In some cases, the City may require an ISA Level III evaluation of the tree and/or peer review by a second City-retained arborist. The Director of Public Works may also require the arborist(s) 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.
- 4) The Director of Public Works shall provide notification of the removal request to the City Manager and the City Council. If an arborist report or reports were required by the Director of Public Works, a copy of the report(s) will be posted to the City website. Public notification of the request will be made via the City’s website and to members of the public via a subscription list. The notice shall reference that the subject tree has been identified with a yellow ribbon tied around it.

- 5) The City will accept public comments regarding the requested removal for seven (7) calendar days. All public questions and comments must be submitted, in writing, to the Director of Public Works. 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. 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 removed immediately.
- 7) The Director of Public Works will determine if a replacement tree can be planted at the same location. If so, the tree size and species will be determined based on the Landscape and Scenic Highways Element and Resource Document, the Downtown Action Plan, The Downtown Specific Plan, the Specific Plan for the area, approved landscape plans, and the Fire Department Landscape/Fuel Modification Guidelines and Maintenance Program. Special consideration will be given to replacing approved tree plantings within the Downtown Specific Plan Area. Trees within the Downtown Specific Plan Area will be replaced unless the Director of Public Works determines that a replacement tree would constitute a serious safety hazard. In that rare instance, the City Council will be notified of the hazard in the Director of Public Works final recommendation.
- 8) The Director of Public Works, when appropriate, may also consult with the property or business owners or the requester directly affected by the planting area and will consider their concerns when making a replanting determination or tree selection. Other criteria for determining replacement tree size and species or whether trees can be replanted include but are not limited to, location of overhead or underground utilities, planter size and location, proximity to other public and private trees, conflicts with public and private infrastructure, ADA compliance, site distance obstruction, view obstruction, and neighborhood objections.

**City Proposal:** If removal is proposed by the City, the following steps must occur:

- 1) The City's Director of Public Works 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 or dying, or the tree represents a fire hazard. The Director of Public Works has the discretion to obtain a report or reports prepared by a City-retained arborist or arborists who are a Registered Consulting Arborist (RCA) of the American Society of Consulting Arborists (ASCA) and/or International Society of Arboriculture (ISA) Certified Arborist.
- 2) Sections 4, 5, 6, 7 and 8 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 this Process:**

- 1) 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 may remove a tree immediately. In such cases, the Director of Public Works shall provide immediate notification to the City Manager, the City Council. The subscription list will 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 of an imminent risk to the public safety include, but are not limited to, those related to storm damage, landslides, vehicle accidents, impeding access for public safety response or evacuation, the condition of the tree represents a fire hazard, and when visible structural failure of the tree has already occurred.
- 2) Dead, diseased or dying trees: Dead and dying trees are a fire and/or vector hazard. Diseased trees are often a vector for serious pests and diseases. Failure to immediately remove dead, dying or diseased trees presents an unacceptable level of risk to the public and to other public and private trees in the area. In such cases, the Director of Public Works shall provide immediate notification to the City Manager, the City Council. The subscription list will be notified and a notification will be posted to the City website. Posting in the field will not be required for removal of dead, diseased or dying trees.
- 3) Small trees (less than six inches in diameter): The Director of Public Works may remove trees of this size that are damaged, in serious decline, dying or in need of replacement. In such cases, the Director of Public Works shall provide immediate notification to the City Manager, the City Council. The subscription list will be notified and a notification will be posted to the City website. Posting in the field will not be required for removal of small trees.