



Date: January 30, 2015

To: Patrick H. West, City Manager *P.H.W.*

From: Ara Maloyan, P.E., Director of Public Works *AM*

For: Mayor and Members of the City Council

Subject: **Tree Removal Policy**

Recent high winds and winter storms provide an opportunity to bring the City's Tree Maintenance Policy to the forefront. The Department of Public Works recently completed a review of its existing Tree Maintenance Policy, compared and benchmarked the City's practices against other comparable cities and communities, and developed a chart to explain tree removal policy decisions (attachments). This policy applies only to street trees in the public right of way, and does not apply to trees in parks or on private property.

Removal Policy

The City adopted its latest iteration of the Tree Maintenance Policy in January 2006. The policy identifies the reasons for tree removal, the notification process, and the appeal process, including:

- Immediate removal for trees posing an immediate hazard, or is preventing the immediate repair of an essential utility service; and,
- Timely tree removal for hardscape conflicts if root pruning would destabilize the tree or if the tree re-damages the hardscape significantly more than once in a 36-month period.

For street trees not posing an immediate hazard, the Department provides a ten-day notification process with notices to property owners within a 300-foot radius of the tree. Residents may appeal the tree removal for review by the City's advisory Tree Committee, which includes two members appointed by each Council Member and two members appointed by the Mayor. Attachment A outlines the City's Tree Maintenance Policy, Attachment B illustrates the decision making process for tree removal, and Attachment C summarizes the practices of Long Beach and other cities.

Peer Benchmarking

The City's current policy adheres to peer standards and practices observed in surveyed cities, including justification for tree removals and notification period.

Staff surveyed eleven (11) cities in total, ten (10) in California and one (1) in Oregon. Selected cities include California's seven (7) largest cities and three (3) cities with robust environmental community organizations. Attachment C lists the cities. Cities with robust urban forest management plans also have an urban forester position that provides policy and planning to maintenance of a city's trees. The City of Long Beach does not have an urban forester position currently budgeted.

In addition to removal of hazardous trees, cities surveyed, as a policy, allowed for tree removals related to hardscape conflicts (i.e. sidewalks destroyed by tree roots). Similar to the City of Long Beach, these removals by other cities only occur if pruning would destabilize the tree or negatively affect the tree's health. Surveyed cities stressed the preference of engineering solutions, such as meandering sidewalks, ramps, and rubber asphalt.

Additionally, the City's notification policy falls in the middle of the time windows for appeals. The City of Portland, Oregon can remove some street trees (that are non-dangerous or not dead) in the public right-of-way without notification. At the other end of the spectrum, the City and County of San Francisco provides a 30-day notice. The City of Long Beach has taken a balanced approach with a ten-day notification, allowing adequate time for appeals, while advancing tree removals for timely sidewalk repair for pedestrian safety and ADA compliance.

Next Steps

The Department of Public Works remains vigilant in maintaining our trees, and will respond quickly to any trees that pose a hazard to public safety. Residents can report downed tree limbs or a hazardous tree by contacting the Department of Public works at (562) 570-2700 and select option 4.

ATTACHMENTS:

- Attachment A - Tree Maintenance Policy
- Attachment B - Tree Removal Process
- Attachment C - Peer Benchmarking Practices

CC: Tom Modica, Assistant City Manager
Jyl Marden, Assistant to the City Manger

Public Works Department - Tree Maintenance Policy

Mission Statement

It is the intent of the following provisions to recognize and underscore the importance of the trees and urban forest of Long Beach and to preserve the trees of our City for future generations.

Introduction

The purpose of this Tree Maintenance Policy is to provide guidelines to administer Section 14.28 of the Long Beach Municipal Code, to preserve and protect the community's urban forest and to promote the health and safety of City trees, from the time they are planted through maturity.

Guidelines are included for planting, maintenance and removal of street trees located in the public rights-of-way (the area between the curb and the sidewalk known as parkways and median islands).

This policy is intended to be used as a reference by City staff, citizens and private contractors for tree-related decisions in the public rights-of-way in the City of Long Beach.

Tree Maintenance

There are over 100 varieties of street trees in the City of Long Beach. Each species requires different care; some trees require a two-year pruning cycle while others require an eight-year cycle. Immediate trimming may be required on some trees to protect public safety, while other trees are identified for trimming as time and resources allow. There are also a number of trees within the city that require special handling, for reasons including species, age or location near buildings or power lines. Utility Companies under their franchise agreements have the right to trim City trees when they pose a hazard to their facilities.

The Public Works Department is responsible for trimming trees. Each year City funds are budgeted for tree trimming services. Trims related to safety (tree limbs that interfere with safe passage of vehicles or pedestrians) are scheduled immediately. Other trims are scheduled, as funds are available. All trees are trimmed in accordance with criteria set by the International Society of Arboriculture, the National Arborist Association and the American National Standards Institute. This means that trees limbs are selectively removed to "air out" the tree to encourage good development and preserve their health, structure and natural appearance. The City will not allow its crews or contractors to perform topping, heading back, stubbing, lion tailing or pollarding.

If a property owner wishes to have a parkway tree trimmed sooner than the City can schedule it, he/she may request and complete a no-fee Permit to Trim a Street Tree. The property owner shall be responsible for the tree trimming and for all costs related to it, including cleanup. A City-approved, licensed, bonded and insured contractor must do the actual trimming.

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Work performed on any city tree must be done according to City specifications. Topping, heading back, stubbing, lion tailing or pollarding is prohibited. **Section 14.28.040 LBMC.**

Tree Planting

The Public Works Department is responsible for all tree plantings in City parkways, medians and rights-of-way. In an effort to restock and enhance the City's urban forest, the Public Works Department, subject to funding availability, will plant trees in areas where trees have been lost due to disease, age, weather, or infrastructure damage. The cooperation of adjacent property owners in care of newly planted trees will be encouraged.

To supplement City funded tree replacement activity, the City will endeavor to work with neighborhood and non-profit organizations to obtain additional resources and coordinate neighborhood-planting efforts.

Trees to be planted shall be on the Approved Street Tree List and must be appropriate for the specific planting site. No tree shall be planted closer than 25 feet to another tree unless a City Arborist has determined that a lesser distance will not impact the growth or health of the tree, or closer than 15 feet to any utility pole or light standard, or nearer than 5 feet to any fire hydrant, water meter or gas meter, or closer than 25 feet from the curb radius centers of any street intersection. No tree shall be planted in a planting strip that is less than 30 inches in width between the sidewalk and curb, except upon the approval of the Director of Public Works. Since after five years a 15-gallon tree will be larger and healthier than a 24 or 36 inch boxed tree, the preferred tree size shall be 15 gallon.

If a property owner wishes to plant a tree on an adjacent parkway, he/she shall obtain a permit from the Public Works Department. The permit provides the means for the City to work with the property owner to insure that the proper tree is selected, planted in the appropriate location and added to the City's tree inventory for future maintenance work. The permit will be issued on a no-fee permit basis. As part of the completion and approval of the permit, the property owner shall agree to bear all costs and liabilities associated with the planting(s) and ensure that any contractor used is licensed by the City. Property owners shall also be responsible for watering the tree to ensure its healthy growth. **Section 14.28.010 LBMC**

Trees planted without a permit that are considered undesirable (not on the Approved Street Tree List) will result in the property owner being required to remove and replace the tree with a tree on the Approved Street Tree List. Failure to comply will result in the removal of the tree by the City, at the property owner's expense. **Section 14.28.090 LBMC**

Removal of Street Trees

The City recognizes the value and appeal of a viable urban forest and promotes not only the conservation but also the addition to the urban forest canopy in the constantly

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evolving and complex biological setting that the City landscape provides. The City recognizes that there is no perfect tree for all situations and that site conditions and community preferences, along with biological constraints, are all involved in tree selection and maintenance.

The conservation of City trees, especially those in parkways, is collaboration between the City and its individual residents. Property owners and/or their tenants are required to care for and properly maintain their parkway trees and report any damaged or suspected diseased trees to the Public Works Department.

The City attempts to correct, by all means available, situations that may call for removal of City trees. However, as trees and neighborhoods mature, removal and replacement may become necessary. In general, the City will only remove or allow removal of a street tree if it is dead, dying, diseased, uprooted, damaged and in danger of falling, or where tree root-damaged sidewalks and curbing cannot otherwise be safely corrected. The City will not allow removal of a tree solely because of leaf, flower, berry debris, or personal preference. The Director of Public Works or his/her designee is authorized to approve or deny all tree removal requests.

Removal Conditions

The determination of a tree's condition and removal will be made by a City employed Certified Arborist. Removal of a street tree at no cost to the adjacent property owner may be considered for the following reasons:

- The tree is dead, dying, critically diseased or damaged beyond reasonable repair
- The tree is in danger of falling or uprooting
- There is a recognized danger of falling or dropping limbs, which, combined with other factors such as high winds, make corrective measures non-cost effective
- The tree is competing for light or space with adjacent trees that are more valuable because of their potential longer life, attractiveness and/or sturdier growth
- The tree is host to aggressive, life-threatening disease or pests that threaten to spread to other trees
- The tree is in decline and is estimated to have less than two years of life remaining
- The tree is damaging vital infrastructure such as a sewer line, water line, gas or electrical conduit or is causing other major structural damage.
- The Director of Public Works or his/her designee has made the determination that the removal is required to accommodate a City approved infrastructure improvement

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Unless the tree is causing or has the potential to cause an immediate hazard, or is preventing the immediate repair of an essential utility service, the following notice procedure will be utilized prior to a tree removal:

1. The tree shall be inspected by a certified arborist and a written determination made that the tree needs to be removed.
2. City staff shall post the tree and issue notices to all property owners within 300 feet as well as the Council District office of the pending tree removal. The tree shall be removed if no appeals are filed within 10 working days of the tree posting.
3. If an appeal is submitted it shall be heard by a Tree Committee designated by the Public Works Director.

In the cases where the majority of the trees on a block are designated for removal due to declining tree health, the City will work with property owners on a staged removal plan.

For removals being requested by a property owner due to re-occurring utility damage being caused by the tree, the property owner shall provide proof of such damage, verified with invoiced repair costs by a licensed contractor.

Tree/Hardscape Conflicts

The following guidelines have been established for correcting potentially hazardous situations that result from tree roots disturbing nearby hardscape (sidewalks, curbs, etc.):

Hardscape damage on public property may require a temporary asphalt ramp to be followed by permanent repair of the area as funds become available. All reported offsets/deviations will be patched.

Hardscape damage on public property that creates a public safety hazard will be scheduled for repair, as funds are available. The following procedures for the removal of street trees as part of any street or sidewalk reconstruction project shall apply:

1. The tree shall be inspected by a certified arborist and a written determination made that the proposed street or sidewalk work cannot be accomplished as planned without permanent damage to the tree resulting in making the tree unstable or causing its demise, or the tree has significantly re-damaged a street or sidewalk repaired within the previous 36 months.
2. City staff shall make a determination that the proposed improvement plans cannot be altered to avoid tree removal (i.e.: sidewalk routed around the tree with an easement granted by the adjoining property owner).

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3. City staff shall post the tree and issue notices to all property owners within 300 feet as well as the Council District office of the pending tree removal. The tree shall be removed if no appeals are filed within 10 working days of the tree posting.
4. If an appeal is submitted it shall be heard by a Tree Committee designated by the Public Works Director.

Removal to Accommodate Private Construction Projects / Tree Removals at Property Owner's Expense

Removal of a street tree at the property owner's expense may be considered if the property owner agrees to all the applicable conditions outlined below. Property owners wishing removal of a parkway tree shall request and complete a no-fee Permit to Remove Street Trees.

- The private construction plan is a City Approved Plan and it shows that the existing City (parkway) tree has a direct impact to the design and function of the proposed project. The City Approved Construction Plan must be submitted with the permit to remove tree(s).
- The property owner will pay all removal costs, including site cleanup, make any necessary repair of hardscape damage and replace the tree. The tree must be replaced with an approved 15-gallon tree to be planted in an appropriate area of the parkway. The property owner will also pay for the equivalent of one (1) 15-gallon tree (approximate cost: \$75) to be planted elsewhere in the City. All fees collected for tree replacement will be placed in a designated Tree Fund, used solely for the enhancement of the community forest program.
- The tree, stump and debris are to be removed by a City-approved, licensed, bonded and insured contractor. If the sidewalk, curb and/or gutter or any infrastructure is damaged by the contractor while removing the tree (final conditions will be inspected by the City), the property owner agrees to have all damages repaired within forty-five (45) days after tree removal. If the property owner fails to make repairs, the property owner will be assessed the full value of the tree based on ISA standards. The property owner will be required to replant a tree if the parkway space is available. If the request is granted the property owner will be required to do the following:
 1. The property owner must complete all permits, provide a bond for completion and secure a City-approved, licensed, bonded and insured contractor.
 2. The property owner must notify the City Council District Office and any formally organized neighborhood association in writing, with a copy to the Department of Public Works, of his/her request to remove the tree.

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3. The City will post the tree and issue 10-day notices to all property owners within 300 feet of the tree.
4. The property owner will also be responsible for notifying the City's Neighborhood and Historic Preservation Office if the tree is located within a designated historical area.

Tree may be removed if no appeals are filed within 10 days of the tree removal posting and the Tree Removal Agreement has been approved and all fees have been paid.

Tree Removal Appeals

The appeal of denied request to have a tree removed will be heard by a Tree Committee designated by the Director of Public Works.

Private Trees Obstructing Public Property

Any tree, shrub or plant located on private property infested with disease or insects which, in the opinion of the Director of Public Works, is infectious and may spread such disease or insects to other trees or shrubs in the City, shall constitute a public nuisance.

Any tree, shrub or plant growing or standing on private property in such a manner that any portion interferes with utility poles, lines, wire or electroliers lawfully erected or maintained along any public street or sidewalk or restricts the flow of traffic or visibility of such street, sidewalk or intersection or any such tree which has become diseased or weakened in such a manner as to be dangerous to persons lawfully using the streets or sidewalks shall constitute a public nuisance.

The Director of Public Works shall cause notice to be served upon the property owner directing that the public nuisance be removed or abated within seven (7) days. If the public nuisance is not abated or removed or abated within seven (7) days after notice is served, the Director is granted authority to direct Public Works employees to enter the property and spray, trim, prune, treat or remove all or any part of the tree or shrub determined to be infested or to otherwise abate or cause to be abated the public nuisance. The Director shall determine the cost of the work performed by the City employees and bill the property owner the cost of the work performed.

Private Trees and Shrubs Damaging Public Property

If a private tree, shrub or other plant material causes damage to public property including sidewalks, curbs, gutters, streets and alleys, repair of damaged areas is the responsibility of the abutting property owner. The property owner is required to obtain a Street Improvement Permit from the Engineering Bureau, prior to making any repairs. If

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the property owner fails to make proper repairs, the City, at the owner's expense, will make repairs.

City Trees and Shrubs Damaging Private Property

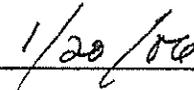
If private property damage occurs as a direct result of a City tree, the property owner is responsible for filing a claim for damages with the City. Claim forms for such damages are available from the City Clerk by calling (562) 570-6101. City staff will inspect and advise, upon request.

If the damage is on private property and is not caused by a City-owned tree, the City is not responsible for damages or repairs.

Approved:



Christine F. Andersen, Director of Public Works



Date

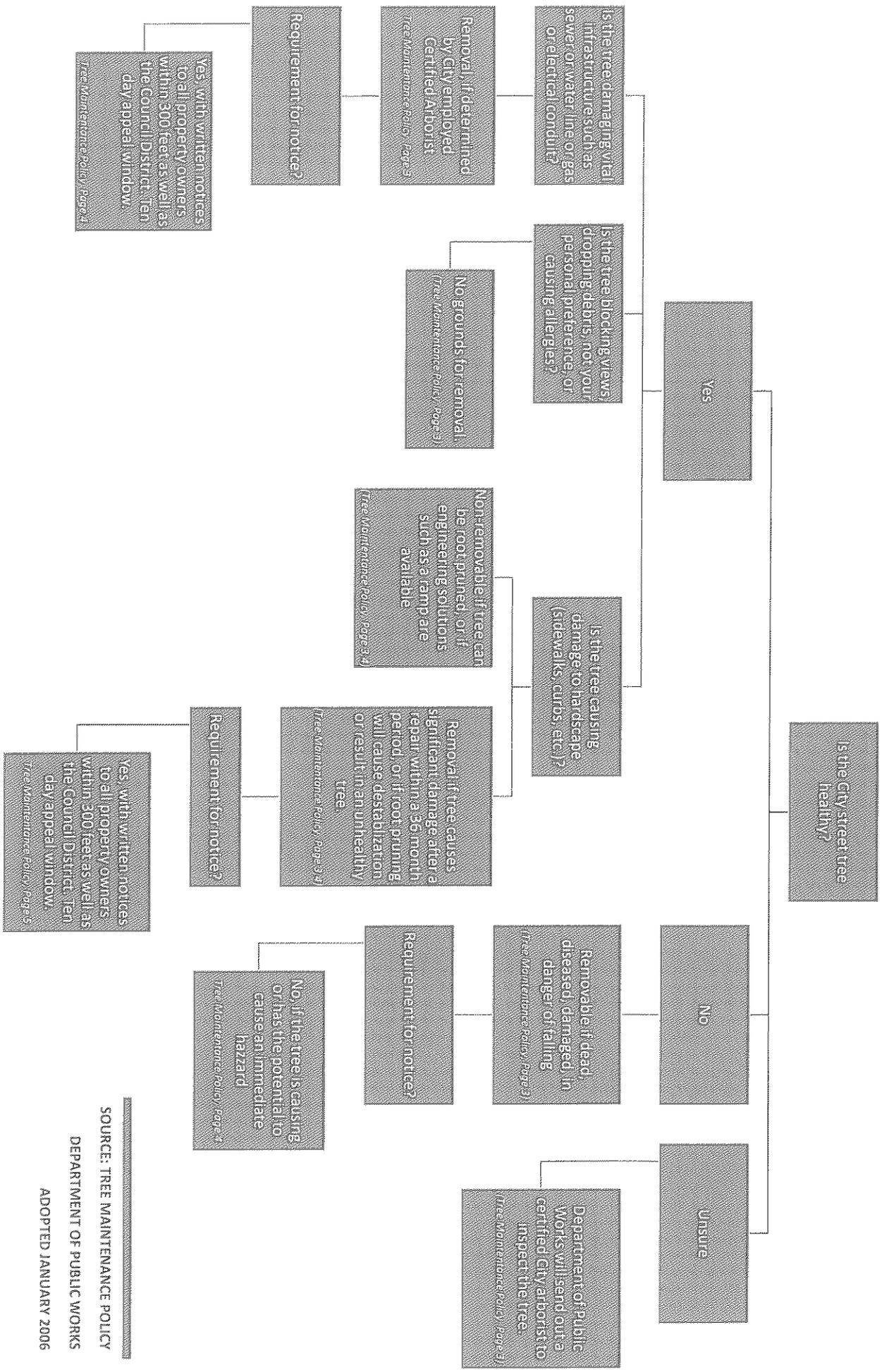


Exhibit 8

SOURCE: TREE MAINTENANCE POLICY
 DEPARTMENT OF PUBLIC WORKS
 ADOPTED JANUARY 2006

Summary of Removal Policy Involving Street Trees in Public Right of Way
 City of Long Beach | Department of Public Works

City	Allows Removal for Sidewalks?	Who makes that decision?	Notification? <i>(For trees not dead, dying, or dangerous)</i>	Appeals Process?
Long Beach	Yes – based on extent and frequency of damage	Certified arborist makes written determination that proposed street or sidewalk work cannot be accomplished without permanent damage to the tree, or if the tree has significant re-damaged a street or sidewalk repaired within the previous 36 months	Yes – 10-day notice to all property owners within 300 feet as well as the Council District office	Yes – a Tree Committee advising the Director of Public Works.
Anaheim	Yes – only when there is no remedy for repair.	City arborist	Yes – attempt to give owner adjoining City tree 48 hour notice.	Director of Public Works
Berkeley	Yes – if extensive root pruning will affect the tree's stability or general health. (1-2% of trees per year)	City's tree inspectors	Yes – only to inform single residence property if resident did not request removal. Notice by leaving a card.	No
Los Angeles	Yes – if extensive root pruning will affect the tree's stability or general health.	City's tree inspectors and Board of Public Works	For 1-2 trees, no public notice period. Staff files a recommendation with the Board of Public Works Commissioner who oversees the Bureau of Street Services. The Commissioner makes a decision to support or deny the application.	No
Oakland	Yes – based on extent and frequency of damage	City arborist, but the process starts with a request from a resident. City will only saw cut/repair the damage without a request.	For removal of more than 3 trees, the Bureau posts a 30-day notice on the City's Tree Notification System for public comment. This then goes to the full Board of Public Works Commission for review.	Park and Recreation Commission
Palo Alto	Yes – but in rare circumstances only.	City arborist and urban forester	Yes - 14 day notice posted on the tree, on the City web site, notice to the non-profit group Canopy, and notice to adjacent neighbors.	Urban Forester and Department Director

Portland, Oregon	Yes – based on extent and frequency of damage	City's tree inspectors	No public notice for trees with diameters-at-breast height (DBH) of less than 12 inches, and none for removals of 1-4 trees of up to 20 inches DBH. Trees in excess of 20 inches DBH, or more than 5 trees between 12 inches DBH to 20 inches DBH, require noticing with a 14-day window of appeal.	Urban Forestry Appeals Board, a sub-group of the Urban Forestry Commission, only hears appeals for publicly noticed trees.
Sacramento	Yes – if allowing the tree to remain in place prevents ADA compliance, the tree's stability or health would be affected.	City arborist, with an arborist specifically designated for sidewalks.	Yes – 10 day notification period with 500 feet mailed notices. This will change as a new ordinance will remove the notification period for City-initiated tree removals.	Planning Commission
Santa Monica	Yes – but only because "excessive hardscape damage" will result in "severe reduction" of the tree's "capacity to support itself."	Two certified City arborists evaluate tree condition, then file a report to the Public Landscape Manager and Urban Forester in consultation with the Public Landscape Manager makes a decision. Council can request outside opinion. Engineering solutions preferred. City's tree inspectors	Yes - 14-day notice with requirement to distribute notice to list of community members who request these notices.	Yes – appeal to the Director of Public Works. Decision is final.
San Diego	Yes – if the damage cannot be permanently corrected by trimming or root pruning	City's tree inspectors	Yes – concurrence of the abutting property owner required. Additionally, a monthly list of proposed tree removals sent to the City Council, Community Forest Advisory Board, and all Community Planning Groups.	Yes – City Council can hear the appeal.
San Francisco	Yes – if initiated by application	City's tree inspectors	30-day notice to property owner abutting affected tree, notice on tree, to "all interested" City organizations, and to the extent practical, all owners and occupants of properties that are on or across from the block face of the tree.	Yes – appeal to the Director of Public Works who will hold a hearing to consider public testimony. Written notice of hearing to newspapers, objecting party, property owner abutting the tree, and all interested parties in the City. Decision can be appealed to the Board of Appeals.
San Jose	Yes – based on extent and frequency of damage	City's tree inspectors	14-day notice to protest with notices on the tree and to residents living within 150 feet of the tree.	Informal protest review—City Arborist makes the final determination. No appeals after determination.