

#### **4.0 CRITERIA FOR PARKWAY TREE REMOVAL/REPLACEMENT**

Based on guidelines established by City Council ordinance, the Public Services Director is authorized to approve or deny all tree removal requests, or may agendaize any removal request for review by the Parks and Recreation Commission.

Any removal decision made by the Public Services Director may be appealed to the Parks and Recreation Commission for review. Decisions made by the Parks and Recreation Commission are final and may not be appealed to the City Council. The Public Services Director will notify the property owner/applicant of every decision to ensure that any appealed decision will not be implemented until after the appeal is heard.

Decisions made by the Parks and Recreation Commission are valid for a period of one year. All requests for removal and specified mitigation measures approved by the Parks and Recreation Commission must be completed by the applicant within one year from the date of approval. If tree removal and/or mitigation is not completed within one year, the approval is rescinded.

Tree removal denials made by the Parks and Recreation Commission may not be reconsidered for a period of one year from the date of denial.

All property owners/applicants wishing removal of a parkway tree(s) shall complete the "Request for Tree Removal" application available from the Public Services Department. Removal requests will fall into one of three categories:

- Category 1 – Health and Safety Removals
- Category 2 – Accelerated Removals
- Category 3 – Discretionary Removals

##### **4.0.1 Category 1 – Health and Safety Removals**

Removal of a street tree at no cost to the property owner/applicant may be considered on the following basis, and in accordance with Public Services policies:

- If the tree is dead, dying, critically diseased, or damaged beyond reasonable repair.
- If the tree is causing a safety hazard (such as significant sidewalk and curb uplifting), and root pruning is determined not to be a viable option. Root pruning, sidewalk shaving, and sidewalk rerouting shall be considered as alternative options when evaluating the removal of trees that are causing safety hazards.

- If the tree presents a foreseeable risk of injury and liability to the public.

If the tree is damaging vital infrastructure (such as sewer, water, gas, electrical conduit) or other major structural damage, proof of damage must be submitted by the property owner/applicant prior to the final approval and scheduling by the Public Services Director.

#### **4.0.2 Category 2 – Accelerated Removals**

The City may remove or allow a street tree to be removed, as a “convenience” to property owners or other City departments, if the tree meets the “Accelerated Removal Criteria” and the property owner agrees to the following Criteria and Conditions:

##### Criteria

- a. The tree(s) is a City designated “Problem Tree Species” (Ficus microcarpa or F. retusa, F. nitida, Fraxinus uhdei, Schinus terebinthifolius, Cupaniopsis anacardioides or other tree species so designated by the Parks and Recreation Commission), or...
- b. The Director may determine to remove a tree based on the following factors and determine the individual tree to be a ‘nuisance’ and qualify for an Accelerated Removal, with all Conditions to be met in order to allow for the removal of the parkway tree:
  - Any tree, where the amount and/or nature of litter from the tree (pods, seeds, flowers, sap, etc.), is significantly greater than can be expected from a typical tree of that variety; or
  - Any tree, where impacts on surrounding public or private property improvements (i.e. hardscape, landscape, masonry structures, etc.) are significant or are potentially significant in the future; or
  - The tree is causing unreasonable impacts on the property owner where it is located.

##### Conditions

- a. If the sidewalk, curb and/or gutter are damaged by said property owner/applicant (final conditions shall be inspected by the City), the property owner/applicant agrees to pay for all damaged concrete within forty-five (45) calendar days after tree removal. If damage occurs, the property owner/applicant agrees to obtain all permits and provide a bond for completion, and securing a licensed contractor.

- b. If tree is to be removed by City, City staff will prepare a cost estimate for removal based on established contract prices. The property owner/applicant agrees to pay for the service by check or cash. If tree is to be removed by property owner/applicant, the City will require an approved licensed, bonded and insured contractor to remove the tree and stump. Date of removal shall be approved by the Public Services Department.
- c. The property owner/applicant agrees to pay the Public Services Department for tree replacement costs based upon the adopted City Council 3:1 tree replacement ratio. For every one mature tree removed, three (3) new trees consisting of one (1) 24" box tree and two (2) 15-gallon trees shall be planted, with tree locations to be determined by the Public Services Department. Property owner/applicant agrees that the Public Services Department will select the tree species and determine minimum acceptable tree species height, trunk caliper, and crown development criteria.

#### **4.0.3 Category 3 – Discretionary Removals**

Requests for removal of City-owned trees in parks, parkways, or rights-of-way not covered under Category 1 or Category 2 shall be agendized for review and determination by the Parks and Recreation Commission.

Final determination by the Parks and Recreation Commission will be based on information provided by the property owner/applicant as well as the following:

- 1) Is the request from City staff, commercial applicant, or residential property owner/tenant?
- 2) Are there alternatives to removal which have not been considered?
- 3) Who will bear the financial responsibility for removal/transplanting/replacement?
- 4) Is transplanting a viable option from the standpoint of tree survivability?
- 5) Is "in-kind" replacement or 3:1 replacement (1-24" box, plus 2-15 gallon) more appropriate?
- 6) What are the aesthetic impacts to the neighborhood or to existing planting themes?
- 7) Does the removal pose any adverse impacts to adjacent property owners?

#### **4.01 Penalties for Illegal Removal or Destruction of Street Tree**

Any person who illegally removes or destroys any street tree shall be subject to penalties as listed and enforced under Section 1-33 of the Costa Mesa Municipal Code.