

ARTICLE 6

PRESERVATION OF PROTECTED TREES

(Title Amended by Ord. No. 177,404, Eff. 4/23/06.)

Section

[46.00](#) Protected Tree Regulations.

[46.01](#) Definition.

[46.02](#) Requirements for Public Works Permits to Relocate or Remove Protected Trees.

[46.03](#) Permit Conditions.

[46.04](#) Fees.

[46.05](#) Appeal.

[46.06](#) Withholding or Revocation of Building Permits for Illegal Removal or Relocation of Protected Trees.

SEC. 46.00. PROTECTED TREE REGULATIONS.

(Title and Section Amended by Ord. No. 177,404, Eff. 4/23/06.)

No protected tree may be relocated or removed except as provided in [Article 7 of Chapter 1](#) or this article. The term "removed" or "removal" shall include any act that will cause a protected tree to die, including but not limited to acts that inflict damage upon the root system or other part of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

SEC. 46.01. DEFINITION.

(Amended by Ord. No. 177,404, Eff. 4/23/06.)

"**PROTECTED TREE**" means any of the following Southern California native tree species which measures four inches or more in cumulative diameter, four and one half feet above the ground level at the base of the tree:

- (a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the Scrub Oak (*Quercus dumosa*).

- (b) Southern California Black Walnut (*Juglans californica var. californica*).
- (c) Western Sycamore (*Platanus racemosa*).
- (d) California Bay (*Umbellularia californica*).

This definition shall not include any tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.

SEC. 46.02. REQUIREMENTS FOR PUBLIC WORKS PERMITS TO RELOCATE OR REMOVE PROTECTED TREES.

(Title and Section Amended by Ord. No. 177,404, Eff. 4/23/06.)

No person shall relocate or remove any protected tree, as that term is defined in Section [46.01](#), where the protected tree is not regulated pursuant to [Article 7 of Chapter I](#) of this Code, without first having applied for and obtained a permit from the Board of Public Works or its designated officer or employee, except as otherwise provided in this section.

An application for a permit shall indicate, in a manner acceptable to the Board of Public Works, by number on a plot plan, the location of each protected tree, and shall identify each protected tree proposed to be retained, relocated or removed. If any grading is proposed that may affect the protected tree, a copy of the grading permit plan in compliance with [Division 70 of Article 1 of Chapter IX](#) of this Code shall be submitted with the application.

(a) **Exemptions.** The Board of Public Works shall exempt from and not require issuance of a permit for the relocation or removal of a protected tree where the Board is satisfied that:

1. The proposed relocation or removal of the protected tree has been approved by the Advisory Agency pursuant to [Article 7 of Chapter I](#) of this Code; or
2. The land upon which the protected tree is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the determination the protected tree's removal would be permissible; or
3. A building permit has been issued for any property and is still in effect with respect to the property under consideration and its implementation would necessitate the removal or relocation.

(b) **Board Authority.** The Board of Public Works may grant a permit for the relocation or removal of a protected tree, unless otherwise provided in this section or unless the tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone, if the Board determines that the removal of the protected tree will not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters, which cannot be mitigated to the satisfaction of the City; and

1. It is necessary to remove the protected tree because its continued existence at the location prevents the reasonable development of the subject property; or

2. The protected tree shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable; or

3. Because of an existing and irreversible adverse condition of the protected tree, the tree is in danger of falling, notwithstanding the tree having been designated an Historical Monument or as part of an Historic Preservation Overlay Zone.

(c) **Additional Authority.** The Board of Public Works or its authorized officer or employee may:

1. Require as a condition of a grant of permit for the relocation or removal of a protected tree, that the permittee replace the tree within the same property boundaries by at least two trees of a protected variety included within the definition set forth in Section [46.01](#) of this Code, in a manner acceptable to the Board. In size, each replacement tree shall be at least a 15-gallon, or larger, specimen, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

2. Permit protected trees of a lesser size or trees of a different species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to this Code are not available. In that event, a greater number of replacement trees may be required.

3. Permit a protected tree to be moved to another location on the property, provided that the environmental conditions of the new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive.

SEC. 46.03. PERMIT CONDITIONS.

(Added by Ord. No. 153,478, Eff. 4/12/80.)

(a) A permit issued pursuant to this article shall (1) specify and approve the location or locations to which said tree may be relocated, (2) designate the species, number, and size of any replacement tree or trees, and (3) set forth any other conditions or requirements deemed necessary by the Board of Public Works, or its authorized officer or employee, to implement the provisions of this article.

(b) It shall be a misdemeanor for any person to fail or refuse to comply with, or to wilfully violate, any condition or requirement imposed in a permit issued pursuant to this article.

SEC. 46.04. FEES.

(Amended by Ord. No. 177,404, Eff. 4/23/06.)

A fee shall be charged for issuance of any permit pursuant to this article, which permits the removal of one or more protected trees. The fee shall be determined and adopted in the same manner as provided in Section [12.37](#) I.1. of the Los Angeles Municipal Code for establishing fees.

SEC. 46.05. APPEAL.

(Added By Ord. No. 153,478, Eff. 4/12/80.)

In the event an application for a permit under this article is denied, the applicant shall be notified of such denial in writing, said applicant's right to file an appeal with the Board of Public Works, the time limits, and other requirements for the filing of said appeal.

No appeal shall be considered by the Board unless said appeal has been filed with the Board no greater than 10 days after the date said notice of denial is mailed.

The Board shall conduct a hearing within 30 days after receiving an appeal, and shall render a written decision approving, conditionally approving, or disapproving the issuance of the permit applied for.

SEC. 46.06. WITHHOLDING OR REVOCATION OF BUILDING PERMITS FOR ILLEGAL REMOVAL OR RELOCATION OF PROTECTED TREES.

(Added by Ord. No. 177,404, Eff. 4/23/06.)

(a) The Bureau of Street Services, after notice and hearing pursuant to Subsections (b) and (c) of this section, shall have the authority to request the Superintendent of Building to withhold issuance of building permits, except for permits that are necessary

to comply with a Department of Building and Safety order, for a period of time up to a maximum of ten years as requested by the Bureau and to revoke any building permit issued for which construction has not commenced with respect to any property on which any protected tree has been removed or relocated in violation of Section [46.00](#) of this Code.

The request shall be made in writing by the Director of the Bureau of Street Services or his/her designee and shall specifically state the start date and end date of the period of time the Bureau, or the Board of Public Works on appeal, have deemed necessary pursuant to Subsection (c) of this section. The period shall commence on the date the Bureau first becomes aware of the removal of the tree. Provided, however, the authority of the Bureau to act shall not apply to a purchaser, or to his or her agent, who in good faith and for valuable consideration has acquired title to the property subsequent to the illegal removal or relocation of any protected trees and prior to the recordation of the notice of intent as provided for in Subsection (b) of this section.

(b) The Bureau shall notify the applicant or permittee in writing of its intent to act pursuant to this section. The notice shall state that the applicant or permittee may submit any evidence it deems relevant on this matter, the hearing to be held on a date specified in the notice. A copy of the notice shall also be mailed to the owner of the property, if different from the applicant or permittee, as shown on the last equalized assessment roll, and to any person holding a deed of trust, mortgage or other security interest in the property as revealed by a title search with respect to the property. A copy of the notice shall also be recorded by the Bureau with the County Recorder.

(c) The Bureau hearing shall be set on a date no earlier than 20 days after the date of the mailing of the notice provided for in Subsection (b) above. At the hearing, if the facts indicate, the Bureau shall make a finding that the applicant or permittee is not a purchaser in good faith and for valuable consideration who acquired title to the property subsequent to the illegal removal or relocation of the protected tree and prior to the recordation of the notice of intent as provided for in Subsection (b) above. In the event the Bureau finds that a protected tree was removed or relocated in violation of Section [46.00](#) of this Code, it shall specify to the Superintendent of Building the length of time the issuance of building permits shall be withheld and whether building permits for which construction has not commenced shall be revoked. In making its determination, the Bureau shall consider the following factors: the number of trees removed or relocated, the size and age of the trees removed or relocated, the knowledge and intent of the owners of the property with respect to the removal or relocation and prior violations of law with respect to removal or relocation of protected trees. The applicant or permittee shall be notified in writing of the Bureau's determination within 30 days of the hearing.

(d) The applicant or permittee may appeal to the Board of Public Works any determination by the Bureau to request the Superintendent of Building to revoke or withhold issuance of building permits, including the length of time imposed. The appeal must be filed with the Board of Public Works within 30 days of the date of mailing of the notice of determination as provided for in Subsection (c) above. Further, any action by

the Department of Building and Safety resulting from any of the provisions of this section, including building permit revocation, shall not be appealable to the Board of Building and Safety Commissioners.

(e) Any final determination of the Bureau or the Board of Public Works on appeal, to request the Superintendent of Building to withhold issuance of building permits or to revoke a building permit, shall be forwarded to the Superintendent within ten days of the Bureau or Board's determination and shall also be set forth in an affidavit, which shall be recorded by the Bureau with the County Recorder within ten days of the Bureau or Board's determination.