



**City of Long Beach**  
Working Together to Serve

ATTACHMENT 1

Memorandum

**R-53**

**Date:** October 18, 2005  
**To:** Honorable Mayor O'Neill and City Councilmembers  
**From:** Councilwoman Laura Richardson, Sixth District *Off for CLK*  
**Subject:** Parkway Tree Removal and Replacement

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### BACKGROUND

Over the past few weeks, numerous residents have expressed concerns regarding the City's policy for the removal of trees for sewer, water and sidewalk repair/replacement. These concerns have centered on several issues, including:

- What constitutes grounds for tree removal, and who makes the final decision?
- How are area residents notified of a pending removal?
- What are the means of protest, and who is allowed to protest?
- What options is available if a protest is successful?
- What liability could the City incur for trees not removed due to protest?
- What liability could the resident incur for trees not removed due to protest?
- Are unpaved or deteriorating alleys under the responsibility and liability of the City?
- If so, what measures are in place to repair or pave these alleys?
- Are departments or agencies other than the Department of Public Works authorized to remove parkway trees? If so, how are residents and other impacted departments notified?
- What are the City's policies in regards to replacing trees that have been removed?
- Is there a policy that deals with "mature" trees and historically tree lined neighborhoods?
- Are more mature trees available for replacement? If so, would a resident be required to pay the difference?
- What mechanisms are in place to resolve disputes regarding tree removal?
- If several "mature" trees along one street of a historically tree lined neighborhood are scheduled for removal, is it possible to remove the trees on a staggered schedule so the trees could be re-established without completely eliminating a neighborhood of its shade protection?

As evidenced by constituent phone calls and inquiries from area neighborhood associations, clarification is needed regarding the City's policies and procedures relating to the removal of parkway trees.

### SUGGESTED ACTION

I respectfully request that the City Manager return to the City Council within 30 days with a report detailing city policy regarding parkway tree removal and replacement policies and procedures.

## 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, 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 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

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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 100 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 100 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 property owner must post the tree and issue (City provided) 10-day notices to all property owners within 100 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

Christine F. Andersen, Director of Public Works

10/14/05

Date