

Article 23 Landscape

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15-2301 Purpose

The purpose of this article is to achieve the following:

- A. Enhance the appearance and function of all development by providing standards relating to the quality, quantity, and design of landscaping;
- B. Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of existing residential neighborhoods, and enhancing pedestrian and vehicle traffic and safety;
- C. Preserve, protect, manage, maintain, and enhance the city's community forest to promote scenic beauty, provide habitat, maintain and increase property values, counteract air pollutants, minimize heat island effect, provide shade, store carbon, decrease wind velocities, attract investment, promote active living, foster wellbeing, reduce soil erosion and ground water contamination;
- D. Promote energy conservation in buildings by providing shade from the sun in summer, allowing the sun rays to shine through in winter and providing shelter from the cold wind in winter; and
- E. Encourage water conservation through the use of native and water-wise, climate-appropriate plants, efficient design, and water-conserving irrigation design and practices.

15-2302 State Codes

In addition to the provisions of this article, more requirements may apply to landscape plans at time of plan review submittal for building, landscaping and/or plumbing permits as stipulated in the California Green Building Standards Code (CalGreen), the California Model Water Efficient Landscape Ordinance (MWELo), and the California Plumbing Code (CPC). Where there is potential conflict between CalGreen, MWELo, and the CPC as adopted and amended in Chapter 11 and this article, CalGreen, MWELo, and the CPC shall prevail.

15-2303 Applicability

The standards of this article apply to the following:

- A. New construction projects with landscapes;
- B. Additions (other than to Single-Family Dwellings or Duplexes) to an existing building that expands the existing floor area by either 20 percent or more or 2,500 square feet or more, whichever is less. The floor area increases to the existing building shall be cumulative from the date of adoption of this Code;
- C. A new building with a floor area of 300 square feet or more on a developed site. The 300 square feet shall be cumulative from the date of adoption of this Code;
- D. The demolition and reconstruction of a site;
- E. A first time installed landscape or a re-landscaping project where the new or modified landscape area is equal to or greater than 500 square feet; or
- F. Change of Occupancy of an existing building requiring a change of occupancy permit as defined by the Building Code.
- G. **Exceptions.** The standards of this Section do not apply to landscaping that is part of a registered historic site, plant collections as part of botanical gardens and arboretums open to the public, or ecological restoration projects that do not require a permanent irrigation system, or mined-land reclamation projects that do not require a permanent irrigation system.

15-2304 Landscape Plans

A landscape plan shall be submitted with the permit application whenever landscaping per Section 15-2303 applies.

- A. **Information Required.** Landscape plans shall be drawn to scale and shall, at a minimum, include the following:
 - 1. Proposed plant locations, species, sizes, and plant factor. Plants with similar water needs shall be grouped together into hydrozones on the landscape plan. The plant factor according to the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS), shall be identified for all landscaped areas on a site. All water features shall be identified as high water use and temporarily irrigated areas shall be identified as low water use.
 - 2. Proposed landscape features (mounds, stepping stones, benches, sculptures, decorative stones, or other ornamental features) locations, dimensions, and materials.
 - 3. Proposed water features (fountains, pools and ponds) and paved surfaces locations, dimensions, and materials.
 - 4. Proposed landscape structures (sheds, trellises, arbors, gazebos, fire pits, fireplaces, built-in barbeques, decks, retaining walls, and seat walls) locations, dimensions, and materials.

5. Location of any existing trees over six inches in diameter, as measured 48 inches above natural grade, and whether each such tree is proposed for retention or removal.
6. Identification of areas of preservation or incorporation of existing native vegetation.
7. Identification of areas not intended for a specific use, including areas planned for future phases of a phased development, shown landscaped or left in a natural state.
8. Any additional proposed landscape elements and measures to facilitate plant growth or control erosion.

B. **Authorized to Design a Landscape.** Landscaping for commercial projects and institutional projects equal to or greater than one acre in size, industrial projects equal to or greater than 2.5 acres in size, and residential projects consisting of more than five units shall be prepared by a California registered landscape architect. For all other projects the various professionals, practitioners, and unlicensed persons may offer landscape design services within the scope and limitations that pertain to each as follows:

1. ***Landscape Architect.*** Must hold a professional license to practice landscape architecture. May perform professional services for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation (Business and Professions Code, Section 5615).
2. ***Architect.*** Must hold a professional license to practice architecture. May offer, perform, or be in responsible control of professional services which require the skills of an architect in the planning of sites (Business and Professions Code, Sections 5500.1 and 5641.3).
3. ***Professional Engineers.*** Must hold professional registration to practice engineering. May perform professional services as defined under Business and Professions Code, Section 5615, as long as the work is incidental to an engineering project (Business and Professions Code, Sections 5615, 5641.3 and 6701 et seq.).
4. ***Landscape Contractors.*** Must hold a C-27 landscaping contractor's license. May design systems and facilities for work to be performed and supervised by that contractor (Business and Professions Code, Sections 5641.4 and 7027.5 and California Code of Regulations, Title 16, Division 8, Section 832.27).
5. ***Nurserypersons.*** Must hold a license to sell nursery stock. May prepare planting plans or drawings as an adjunct to merchandizing nursery stock and related products (Business and Professions Code, Section 5641.2 and Food and Agricultural Code, Section 6721 et seq.).
6. ***Landscape/Garden Designers including Master Gardeners, etc.*** May prepare plans, drawings, and specifications for the selection, placement, or use of plants for single-family dwellings; may prepare drawings for the conceptual design and placement of tangible objects and landscape features; may not prepare construction documents, details, or specifications for tangible landscape objects or landscape features; and may not prepare grading and drainage plans for the alteration of sites.

7. ***Personal Property Owners (Homeowner).*** May prepare plans, drawings or specifications for any one- or two-family dwelling property owned by that person.
8. ***Golf Course Architect.*** May engage in the practice of, or offer to practice as, a golf course architect. May perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.
9. ***Irrigation Consultants.*** May engage in the practice of, or offer to practice as, an irrigation consultant. May perform consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

The applicable statutes which govern the above unlicensed categories are Business and Professions Code, Sections 5641, 5641.1, 5641.5 and 5641.6 (10-02, Amended, 02/02/2010).

15-2305 Areas to be Landscaped

The following areas shall be landscaped and may count toward the total area of site landscaping required by the zoning district regulations.

- A. **Parking Areas.** Parking areas shall be landscaped in compliance with Article 24, Parking and Loading.
- B. **Required Setbacks.**
 1. ***All Districts.*** For permitted paved areas, refer to the underlying Base District.
 2. ***Residential Uses that are Single-Family Dwellings, Duplexes, and Triplexes.*** All required front and street-facing side yards, except for areas used for exit and entry shall be landscaped. If a solid fence is provided on a street side yard property line, the street side yard is not required to be landscaped.
 3. ***Residential Uses with Four or More Dwelling Units and Mixed-Use.*** All required setbacks, except for areas used for exit and entry, shall be landscaped.
 4. ***Non-Residential Uses.*** All required setbacks, except for areas used for exit and entry, shall be landscaped. If an Industrial District abuts another Industrial District, side and rear yards are not required to be landscaped. However should an Industrial District abut any other district or a street, it shall be landscaped. Where adjacent to residential, non-residential uses may require a larger setback under Residential Transition Standards and landscaping shall be provided as prescribed in Table 15-2305-C.1.
- C. **Lot Perimeters.** Landscape buffers shall be installed and maintained along side and rear lot lines between differing land uses, in accordance with the sections of this article and the following standards:

1. **Required Landscape Buffers.** Table 15-2305-C-1, Required Landscape Buffers, shows when a buffer treatment is required, and of what type, based on the proposed and the adjoining use. Only the proposed use is required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations (Type 1 or Type 2) as shown in Table 15-2305-C-2, Buffer Yard Requirements. A dashed line, “-”, means that a buffer yard is not necessary unless required by another section of this Code.

TABLE 15-2305-C-1: REQUIRED LANDSCAPE BUFFERS							
Proposed Use	Adjoining Use						
	Park or Open Space	Single-Family Residential	Multi-Family Residential	Mixed-Use	Commercial, Office, and Business Park	Industrial	Public Facility
Park or Open Space	-	Type 1	Type 1	Type 1	-	-	-
Multi-Family Residential	Type 1	Type 1	-	-	-	-	-
Mixed-Use	Type 2	Type 2	Type 2	-	-	-	-
Commercial, Office and Business Park	Type 2	Type 2	Type 2	-	-	Type 1	Type 1
Industrial	Type 2	Type 2	Type 2	Type 2	Type 2	-	Type 2
Public Facility	Type 2	Type 2	Type 2	Type 2	Type 2	Type 1	-

2. **Buffer Yard Types.** Table 15-2305-C-2, Buffer Yard Requirements, describes the minimum width, plant materials, and wall requirements for each type of buffer yard. The listed number of trees and shrubs are required for each 100 linear feet of buffer yard. Natural areas with native vegetation or alternative planting materials which achieve equivalent buffering effects may be approved by the Director.

TABLE 15-2305-C-2: BUFFER YARD REQUIREMENTS					
Buffer Yard Type	Minimum Width (feet)	Trees		Shrubs	
		Large	Small to Medium	Large	Small to Medium
Type 1	10	2	2	6	8
Type 2	15	2	3	8	10

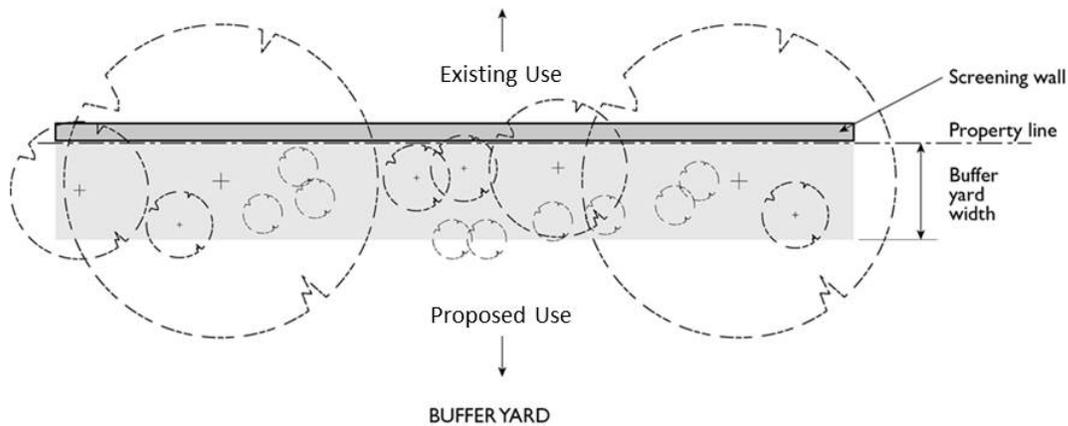


FIGURE 15-2305-C-2: BUFFER YARD REQUIREMENTS

3. **Patio Allowance.** An employee or dining patio is allowed within the buffer yard for up to 50 percent of the depth of the required buffer yard.
- D. **Landscape Setback.** All areas between site perimeter walls/fencing and lot lines facing a street shall be landscaped. Landscaping shall be installed and maintained in accordance with the sections of this article and the following standards:
1. Planting areas more than 10 feet in width shall be planted with medium and large trees and medium and large shrubs to span the entire length.
 2. Planting areas 10 feet or less in width shall at the very least be planted with small trees and small to medium size shrubs to span the entire length.
 3. Vines may be included for areas adjacent to concrete or masonry walls.
 4. The landscape design shall provide total wall/fence screening from top to bottom for the entire length within five years.
 5. Trees shall be planted so the canopies could touch for the entire length within fifteen years.
- E. **Building Perimeters.**
1. All portions of a building that face a public street shall have one or more landscape planters installed along a minimum of 20 percent of that building face. This standard does not apply where a building is located within three feet of a public sidewalk, in which case the building perimeter shall be paved and treated in a manner similar to the adjacent sidewalk.
 2. The minimum width of the planter shall be three feet. Planters may be raised or at grade and may include potted plants.

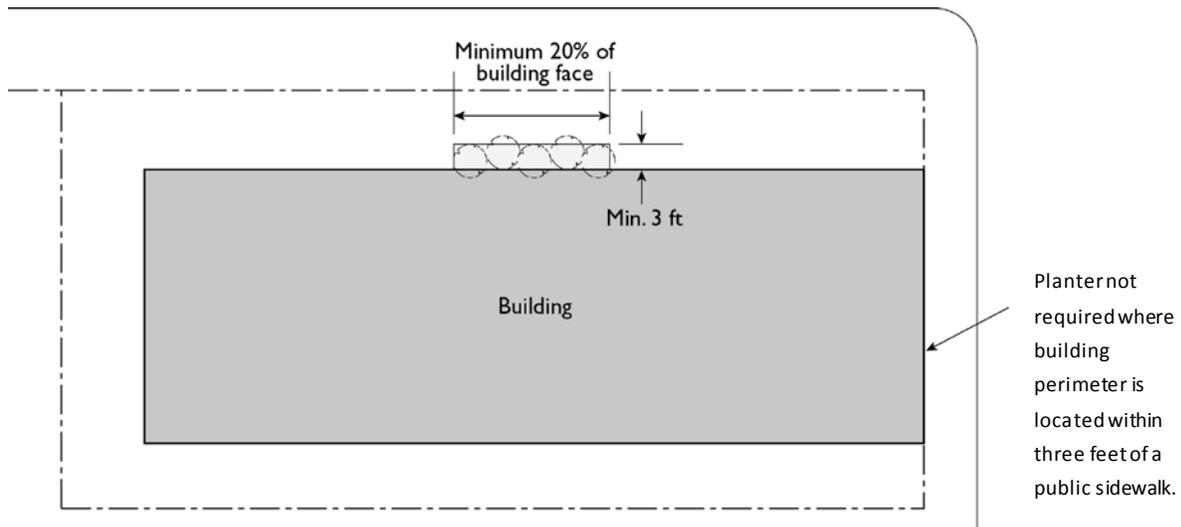


FIGURE 15-2305-E: BUILDING PERIMETERS

- F. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be maintained clear and free of refuse, debris, or other accumulated matter.
- G. **Public Property.** Refer to Chapter 13, Article 3, Street Trees and Parkways for street tree, parkway (park strip), and median island requirements in public property.

15-2306 Landscape Design Standards

The following design standards are to be used by decision-makers in evaluating whether landscape plans conform to the requirements of this Section:

- A. **Composition.** The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials must be arranged in a manner as to provide the following qualities and characteristics:
 1. **Texture.** Landscape designs must provide a textured appearance through the use of a variety of plant material rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, shall be consistent with the overall design approach of the landscape plan. Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.
 2. **Color.** Landscape designs shall include a variety of plants to provide contrasting color to other plants in the design. Designs are encouraged to include flowering plants and especially a mix of plants that display colorful flowers throughout the year.

3. **Form.** Landscape designs will consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all landscape elements shall be considered so that the final design presents a coherent whole.
- B. **Buffering and Screening.** Natural landscape materials (trees, shrubs, and hedges) must be used alone or with walls and/or berms to screen or buffer differing land uses, prevent graffiti, provide transition between adjacent lots, and screen the view of parking, storage, service areas, refuse collection facilities and enclosures, utility enclosures, drive-throughs, utility pipes and boxes visible from a public street, alley, or pedestrian space or walkway. Plant material must be mature enough at the time of planting and appropriately located to provide an effective buffer or screen within five years of planting.
- C. **Water-Wise Landscaping.** Landscape designs shall feature plant species such as drought-tolerant and climate adaptive plants that thrive in the San Joaquin Valley region to take advantage of the adaptability of regionally appropriate plants to local environmental conditions and to conserve energy and water.
- D. **Continuity and Connection.** Landscaping must be designed within the context of the surrounding area, provided that the adjacent landscaping is consistent with the landscape design standards of this section. Where the adjacent property landscaping meets the landscape design standards of this section, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Exceptions can be made when seeking to create a transition between uses or zoning districts.
 1. **Buffers for Natural Areas.** When located adjacent to an area of high ecological value, the proposed development shall incorporate natural features that will provide continuity and connection to the natural area and serve as an appropriate buffer space.
- E. **Enhancing Architecture.** Landscape designs shall be compatible with the architectural character and features of the buildings on site. Major landscape elements must be designed to complement exterior elevations and roof lines of the buildings through texture, color, and form.

15-2307 General Landscaping Standards

- A. **Materials.**
 1. **General.**
 - a. Landscaping may consist of a combination of turf, groundcovers, shrubs, vines, trees, incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, and other ornamental features placed within a landscaped setting.
 - b. Plant materials shall be selected from among those species and varieties known to thrive in the Fresno climate.
 - c. Paved (e.g. concrete, stone and masonry) surfaces, gravel (e.g. decomposed granite) surfaces, and rocks may not exceed 35 percent of the area required to be landscaped.
 - d. Recirculating water shall be used for decorative water features.

- e. Areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
2. ***Non-Plant Materials.*** Non-plant materials such as cinder, bark, and similar materials may not be used to meet the minimum planting area required by this section.
3. ***Synthetic Lawns.*** Synthetic lawns may be considered as turf, and shall cover no more than 75 percent of the required landscape area.
4. ***Mulch.*** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes. Mulch must be confined to areas underneath shrubs and trees and is not a substitute for ground cover plants.
5. ***Size and Spacing.*** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
 - a. ***Ground Covers.*** Ground cover plants must be at least of a four-inch pot size and spaced to provide full coverage within the time frame specified for the species planted.
 - b. ***Shrubs.*** Spacing of shrubs shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. When planted to serve as a hedge or screen, shrubs shall be spaced at 75 percent of their mature length.
 - i. **Small Shrub.** A small shrub shall have a mature height of three to less than five feet and shall be planted at minimum from one-gallon containers.
 - ii. **Medium Shrub.** A medium shrub shall have a mature height of between five and eight feet and shall be planted at minimum from five-gallon containers.
 - iii. **Large Shrub.** A large shrub shall have a mature height of greater than eight feet and shall be planted at minimum from five-gallon containers.
 - c. ***Trees.*** All trees shall be a minimum of 15 gallons in size. Spacing of trees shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. Newly planted trees shall be supported with stakes or guy wires.
 - i. **Small Tree.** A small tree shall have a mature height of less than 25 feet and be at least one inch in diameter at six inches above ground level. Small trees, generally, shall be planted 25 feet apart.

- ii. Medium Tree. A medium tree shall have a mature height of between 25 and 45 feet and be at least 1 1/4 inch in diameter at six inches above ground level. Medium trees, generally, shall be planted 35 feet apart.
 - iii. Large Tree. A large tree shall have a mature height of greater than 45 feet and be at least 1 1/2 inch in diameter at six inches above ground level. Large trees, generally, shall be planted 45 feet apart.
- 6. **Landscaping Mound**. Landscaping mounds shall be constructed on slopes not to exceed 4:1. The toe of the mound shall be set back from buildings and property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slope. In no case shall the toe of the mound be within five feet of any building or one foot of the street right-of-way.
- B. **Dimension of Landscaped Areas**. Landscaped areas shall have a minimum horizontal dimension of four and one-half feet to count towards required landscaping.
- C. **Prescribed Heights**. The prescribed heights of landscaping shall indicate the height to be attained within fifteen years after planting.
- D. **Drivers' Visibility**. Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Section 15-2018, Intersection Visibility and Chapter 13, Article 2, Sections 13-227, Obstruction to Visibility at Intersections and 13-228, Intersection Visibility, Investigation, and Enforcement.

15-2308 Trees

- A. **Trees**. Trees shall be provided as follows:
 - 1. **Residential Single-Family Districts**. A minimum of two trees per lot and if part of a Planned Development then trees may be provided in common areas in addition to the two provided on each residential lot.
 - a. One of the required trees must be oriented to the street.
 - b. One of the required trees must be a passive solar-oriented tree (Deciduous) or a wind buffer-oriented tree (Evergreen).
 - 2. **Multi-Family Residential and Mixed-Use Districts**. A minimum of one tree per unit.
 - 3. **Commercial, Office, Business Park, and Regional Business Park Districts**. A minimum of one tree for every 2,000 square feet of lot coverage.
 - 4. **Industrial Districts**. A minimum of one tree for every 10,000 square feet of lot coverage (Trees required in other sections of this code, such as parking lot trees or street trees, shall count toward the satisfaction of this requirement).
 - 5. **Planned Development Districts**. For requirements in single-family residential development see Residential Single-Family Districts, for multi-family and mixed-use development see Residential Multi-Family and Mixed-Use Districts, and for

commercial and employment development see Commercial and Employment Districts above.

6. Trees planted near public curbs or sidewalks shall be installed in a manner that minimizes physical damage to the curbs, gutters, sidewalks, and other public improvements.

B. Heritage Tree Designations

1. **Applications.** Applications for designation of a heritage tree on private or public property may be initiated by any person subject to the property owners' written consent. The applicant requesting heritage tree designation shall submit an application in compliance with instructions provided by the Director and shall include the following:
 - a. Assessor's parcel number of the site;
 - b. Description detailing the proposed heritage tree's special aesthetic, cultural, or historic value of community interest; and
 - c. Photographs of the tree(s).
2. **Review.** The Director shall conduct a review of the proposed heritage tree, based upon information or documentation they may require from the applicant, staff, or other available sources. A tree may be designated as a heritage tree upon a finding that it is unique and important to the community due to any of the following factors:
 - a. It is an outstanding specimen of a desirable species;
 - b. It is one of significant age and/or girth in the city; or
 - c. It has agricultural, cultural, economic, educational, historical, indigenous, or social heritage significance in the city.
3. **Hearing.** The Planning Commission shall hold a public hearing on any proposed designation within 30 days after the application is deemed complete and shall render a decision to approve, deny, or continue the hearing for more information.
4. **Posting and Notice.** Hearings for heritage tree designation shall be subject to public hearing notice procedures specified in Section 15-5007, Public Notice. In addition, the Department shall post to the site or tree under consideration at least ten calendar days before the hearing date with a sign identifying the nature of the application and the date, time, and place of the hearing.
5. **Recordation of Heritage Tree Designation.** If the heritage tree designation is approved, the City shall record the designation with the County Recorder's Office and a copy shall be provided to the property owner and the DARM Department. A listing of designated heritage trees and their locations shall be listed on the historic resources inventory and maintained by the Department.

C. Protected Trees. The following apply to Protected Trees:

1. No Protected Tree shall be removed, pruned, or otherwise materially altered without a Tree Removal Permit except as provided in this section. Trimming of a Protected Tree is allowed without such a permit.

2. Protected Trees are as follows:
 - a. *Heritage Trees.*
 - b. *Multi-Trunk Trees.* Any multi-trunk tree which has at least one trunk 12 inches or greater in diameter or 38 inches or greater in circumference, measured four feet above the adjacent grade, except for developed single-family residential properties.
 - c. *Any Tree 12 Inches or Greater in Diameter.* Any tree which measures 12 inches or greater in diameter or 38 inches or greater in circumference, measured four feet above the adjacent grade, except for developed single-family residential properties.
 - d. *Parkway Trees and Any Trees Located on Public Property.*
 - e. *Condition of Approval.* Any tree required to be planted or retained as a condition of approval of a development application or a Building Permit.
 - f. *Trees Required by a Development Permit.* Trees required or memorialized under a Development Permit.
3. The following trees may be removed without approval of a Tree Removal Permit:
 - a. *Emergencies.* Trees may pose an immediate threat to persons or property during an emergency or are determined to constitute an emergency upon order of the Director, the Public Utilities Director, the Public Works Director, or any member of the Police or Fire Departments.
 - b. *Public Nuisance.* Any tree in a condition to constitute a public nuisance as determined the Building Official, the Director, the Fire Chief, the Public Utilities Director, or the Public Works Director.
 - c. *Public Utilities.* Trees that undermine or impact the safe operation of public utilities.
 - d. *Fruit Trees.* Any fruit tree.
 - e. *Eucalyptus Trees.* All trees of the genus Myrtaceae.
 - f. *Developed Single-Family Residential.* Any tree located on developed single-family residential property, except as specified in Subsection 15-2308-C.2.
4. Chemicals or other construction materials shall not be stored within the drip line of Protected Trees.
5. Signs, wires, or similar devices shall not be attached to Protected Trees.
6. If the proposed development, including any site work for the development, will encroach upon the drip line of a Protected Tree, then the following apply:
 - a. Special measures shall be utilized as approved by the review authority, to allow the roots to obtain oxygen, water, and nutrients as needed.
 - b. Any excavation cutting, filling, or compaction of the existing ground surface within the protected perimeter, if authorized at all by the review authority, shall

- be minimized and subject to such conditions as may be imposed by the review authority.
- c. No significant change in existing ground level shall be made within the drip line of a Protected Tree.
 - d. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.
7. Underground trenching for utilities shall avoid major support and absorbing tree roots of Protected Trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service as many utilities as possible. Trenching within the drip line of Protected Trees shall be avoided to the greatest extent possible and shall only be done under the at-site directions of a certified arborist.
 8. No concrete or asphalt paving shall be placed over the root zones of oaks.
 9. No compaction of the soil within the root zone of Protected Trees shall occur.
 10. All trees, protected or otherwise, to be removed shall include the removal of the stump or be cut to at least six inches below the ground, and soil shall be replaced and the area leveled. If the area where the tree is removed is to be paved, the tree shall be cut or stump removed to at least eight inches below the ground.

D. Tree Removal Permit/Application Requirements

1. ***Application Information.***
 - a. Applications for a tree removal permit shall be available from and filed with the DARM Department and shall contain the following:
 - i. A written explanation of why the tree(s) should be removed;
 - ii. A tree survey plan indicating the number, location(s), variety or species, and size(s) (measured four feet above grade) of the tree(s) to be removed is required for all properties except developed single-family residential;
 - iii. Photograph(s) of the tree(s);
 - iv. Arborist report;
 - v. Signature of the property owner and homeowners association (when applicable) and proof of a vote of the homeowners association;
 - vi. Replanting plan (see Table 15-2308-E-4, Replacement Trees);
 - vii. Other information deemed necessary by the Director to evaluate the tree removal request; and
 - viii. Permit fee, if applicable.
 - b. The Director may modify or waive the requirements of this section if deemed appropriate (e.g., arborist reports for properties in RS Districts).

E. **Determination on Permit Application**

1. **General Criteria.** The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:
 - a. **Diseased or Danger of Falling.** The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the public health or safety requires its removal.
 - b. **Potential Damage.** The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g., dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.
 - c. **Economic Enjoyment and Hardship.** The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Review Authority that there are no reasonable alternatives to preserve the tree(s). A minor reduction of the potential number of residential units or structural size due to tree location does not represent a severe limit of the economic enjoyment of the property.
2. **Additional Recommendations.** The applicable review authority may refer the application to another department or the Planning Commission for a report and recommendation.
3. **Inspections and Permit Availability.** City staff shall have the authority to conduct on-site inspections of all trees proposed for removal. If a tree removal permit is approved, the permit shall be on site at all times before and during the removal of a tree and/or shall be made available to any City official at the site, upon request.
4. **Action.** Based on the criteria identified in this section, the Review Authority shall approve, conditionally approve, or deny the application. Conditions of approval may include any of the following:
 - a. Revisions to development plans to accommodate existing trees;
 - b. Payment of an in-lieu fee.
 - i. Payment of a fee shall be based on the fair market value of the number of trees required by Table 15-2308-E-4 for the same or equivalent species, delivered and installed, as determined by the Director.
 - ii. The fees will be used to purchase trees that will be planted within the public right-of-way or on other public property as directed by the Public Works Department. Where feasible, trees will be planted in the vicinity in which the tree(s) was removed.

- iii. Payment of the in-lieu fee shall be made before the issuance of the Tree Removal Permit.
- c. Replacement trees of a species and size planted at locations designated by the Review Authority in compliance with Table 15-2308-E-4; or
- d. A combination of replacement trees and in-lieu fees that in total provide for the number of replacement trees required by this article.

TABLE 15-2308-E-4: REPLACEMENT TREE REQUIREMENTS			
<i>Trunk Size of Removed Tree (measured at 4 feet above grade)</i>		<i>Replacement Ratio Required (per tree removed)</i>	
<i>Diameter (in inches)</i>	<i>Circumference (in inches)</i>	<i>Number of replacement trees required</i>	<i>Minimum size of replacement trees</i>
12 to 24	30 to 75	2	24 inch box
Greater than 24	Greater than 75	3	36 inch box
Heritage Trees		4	48 inch box

- 5. **Expiration.** If no action on an approved tree removal permit is taken within a period of one year from the date of approval, the permit shall be considered void.

F. Review Authority and Permit Process.

- 1. **Tree Removal Requests Filed Independent of Development Applications.**
 - a. **Director’s Review.** The Director shall be the Review Authority for tree removal requests, except for heritage trees, filed independent of a development application. The Director shall render a decision within ten business days from the date a tree removal application is filed and deemed complete. The Director may refer any application to another department, committee, board, or commission of the City for a report and recommendation, and may require the applicant to provide an arborist’s report.
 - b. **Posting and Notice.** The decision of the Director shall be mailed to the applicant and to all owners of record located within a three-hundred-foot radius of the subject property on the same day the decision is made. In addition, the site or tree shall be posted with a sign by the Department for at least ten calendar days indicating the decision of the Director, and specifying the appeal period and the method of appeal.
- 2. **Tree Removal Requests Filed with a Development Application.**
 - a. **Review Authority.** The Review Authority for tree removal requests filed in conjunction with a development application shall be the same review authority as established for the accompanying development application.
 - b. **Public Hearing.** If a public hearing is normally required by this Development Code, the tree removal request shall be considered concurrently, in compliance with Section 15-5007, Public Notice.

- c. *Posting.* The DARM Department shall also post to the site or tree under consideration a sign indicating the proposed removal and the date, time, and place of the hearing at least ten calendar days before the hearing date.
3. ***Heritage Tree Removal Requests.*** Notwithstanding any other provision of this section, the following provisions shall apply to requests for the removal of heritage trees.
 - a. *Requests Filed Independent of Development Applications.* The Planning Commission shall be the Review Authority for all tree removal requests for heritage trees filed independent of a development application.
 - b. *Requests Filed in Conjunction with a Development Application.* The Review Authority for heritage tree removal requests filed in conjunction with a development application shall be the same review authority as established for the accompanying development application. Before the hearing by the Review Authority, requests to remove heritage trees filed in conjunction with a development application shall be referred to the Protected Tree Advisory Committee who shall make a recommendation to the review authority.
 - c. *Public Hearing.* A public hearing by the review authority shall be required for all heritage tree removal requests in compliance with Section 15-5007, Public Notice.
 - d. *Posting.* The Department shall post to the site or tree under consideration a sign indicating the proposed removal and the date, time, and place of the hearing at least ten calendar days before the hearing date.
4. ***Final Decision/Timing of Tree Removal.*** No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development application are satisfied.
5. ***Concurrent Filing.*** All tree removal requests associated with a development application shall be filed concurrently.

G. Appeals.

1. ***Appeals.*** Any person aggrieved by a decision of the Review Authority as specified in Section 15-2308-B through F may appeal the decision in compliance with Section 15-5017, Appeals.
2. ***Decisions on Appeals.*** No decision made in compliance with Section 15-2308-B through F shall be final until all appeal rights have expired. All appeal hearings shall be public hearings subject to Section 15-5017, Appeals.
3. ***Posting and Notice.*** In addition to the public hearing procedures specified in Section 15-5007, Public Notice, the site or tree under consideration shall also be posted with a sign at least ten calendar days before the hearing date of the appeal. The sign shall state the nature of the appeal under consideration by the appeal body, and the date, time, and place of the hearing.

TABLE 15-2308-G: TREE TYPE AND PERMIT PROCESS SUMMARY				
<i>Type of Tree Removal Request</i>	<i>Protected Tree Types</i>	<i>Size Tree Protected¹</i>	<i>Review Authority for Removal Permit</i>	<i>Appeal Process²</i>
Tree removal requests on all properties (except RS Districts ³) not in conjunction with a development application	Any tree except fruit trees ⁴ and trees of the genus Myrtaceae ⁵	None Specified	Director	Planning Commission and then Council
Tree removal requests in RS Districts not in conjunction with a development application	Trees of the species: Quercus (oaks) Cedrus (cedars) Fraxinus (ash) Sequoia (redwoods)	12 inch diameter or 38 inch circumference	Director	Planning Commission and then Council
Tree removal requests on all properties in conjunction with a development application	Any tree except fruit trees and trees of the genus Myrtaceae ⁵	12 inch diameter or 38 inch circumference	Director	Planning Commission and then Council
Heritage Tree removal requests in all zoning districts (not in conjunction with a development application) ⁶	Any Heritage Tree	None Specified	Planning Commission	Council
Heritage Tree removal requests in all zoning districts (in conjunction with a development application) ⁶	Any Heritage Tree	None Specified	Planning Commission or Council, as applicable to the permit application	Council
Trees required as a condition of a development approval	Any tree required to be retained or planted	None Required	Director	Planning Commission and then Council
Trees within the City public right-of-way and parkway strip	Any tree required to be retained or planted	None Required	Director	Planning Commission and then Council

Notes:

1. Minimum size and greater – measured four feet above grade adjacent to trunk.
2. Appeals shall be filed in writing with the City Clerk within 10 days from the decision of the permit.
3. Developed single-family residential property in RS Districts or Planned Development.
4. Fruit trees, defined as any tree that has the characteristics of being edible fruit, common to commercial production varieties including stone fruits (e.g., prunes, peaches etc.), citrus (e.g., lemons, oranges), nut varieties (e.g., almonds), English walnut (except for California Black Walnut), Peppers (Schinus), and Olives (Oleaceae), etc. A “fruit tree” shall mean any tree that bears a fruit or nut not produced primarily as seed (e.g., oaks, pines, etc.).
5. Any variety of eucalyptus tree.
6. Includes any development application that requires Planning Commission or Council Approval, except development applications not involving addition of new single-family units in RS Districts or Planned Development Single-Family developments (e.g. fence exception or Conditional Use Permit).

- H. **Delegation of Functions.** The Director may delegate any or all of the administrative duties authorized by this section to one or more Department or City staff members.
- I. **Violation.** In addition to the provisions of Article 63, Enforcement, any person who removes or causes to be removed any Protected Tree in violation of this article shall be required to:
 - 1. Apply for and obtain a Tree Removal Permit and pay a double application fee.
 - 2. Be responsible for property restoration which shall include:
 - a. Replacing the tree(s) removed with tree(s) of reasonably equivalent value and largest size feasible to the tree(s) removed per Table 15-2308-E-4;
 - b. The number, size, and location of replacement trees shall be determined by the Director after receipt of a report and recommendation by a licensed arborist;
 - c. Paying the fees of the licensed arborist, including any fees for the valuation under Subsection 15-2308-E.4.
 - 3. Pay a civil penalty to the City, with the funds placed in the City's tree planting fund, in the amount of \$2,500 or the actual monetary value of the tree(s), as determined by a licensed arborist, whichever is less. The arborist shall use the then-current issue of the "Guide for Plant Appraisal" published by the International Society of Arboriculture. Said funds from the tree planting fund shall be allocated for the planting of new trees or shall be directed to a non-profit organization that specializes in the preservation and/or planting of trees in the city.

15-2309 Irrigation Specifications

- A. **General.** New landscaping shall have an automatic irrigation system designed to provide adequate and efficient coverage of all plant material.
- B. **Systems.** Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or the California Plumbing Code as may be amended.
- C. **Plans.** No plans are required to be submitted as part of this article, but may be required otherwise elsewhere in the Code.

15-2310 Installation and Completion

- A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to encourage and maintain healthy plant growth.
- B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a Certificate of Occupancy for the project.
- C. **Exception: Assurance of Landscaping Completion.** The Director may permit the required landscaping to be installed within 120 days after the issuance of a Certificate of Occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, must be filed with the City to assure completion of landscaping installation within such time. The surety may

take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.

15-2311 Maintenance

- A. **General.** All planting and other landscape elements required by this article shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Once planted, healthy, thriving trees and shrubs may not be removed without replacement by similar or better plantings providing a similar impact or function on the site. Plantings which show signs of damage or injury shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.
 - 1. ***Non-Single-Family Districts.*** Trees may not be trimmed or pruned to reduce the natural height and crown.
- B. **Unoccupied.** All landscaping shall be provided and maintained prior to occupancy of the main building or open use other than agriculture.
- C. **Public Safety.** Property owners and occupants of lots fronting on any portion of a street shall maintain private trees and landscaping in such condition that the trees or landscaping will not interfere with the public safety and convenience in the use of streets or sidewalks. Such owners and occupants shall maintain such trees so that there is an eight-foot pedestrian clearance from the top of the sidewalk or pathway, and a thirteen-foot vehicular clearance from the top of the curb or the top of the pavement. Street trees and parkways shall be protected and preserved according to Chapter 13, Article 3, Section 305, Tree Preservation.
- D. **Retention Basins.** Retention basins shall be maintained free of debris and trash, and all planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering.