

RESOLUTION NO. 14-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE ESTABLISHING: 1) THE NUMBER AND SIZE OF TREES TO BE PLANTED AS REPLACEMENT TREES AND AMOUNTS TO BE PAID INTO THE TREE REPLACEMENT FUND AS A CONDITION TO GRANTING A TREE REMOVAL PERMIT PURSUANT TO CHAPTER 11.40 OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE; AND 2) AMOUNTS OF RESTITUTION FOR VIOLATIONS OF CHAPTER 11.40 OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE

WHEREAS, on July 1, 2013, the City Council of the City of La Cañada Flintridge amended Chapter 11.40 of the La Cañada Flintridge Municipal Code (collectively, "Chapter 11.40") to establish new regulations to preserve and protect certain Protected Trees, as defined therein, including procedures for the removal of Protected Trees subject to a Tree Removal Permit;

WHEREAS, subsections 11.40.060.B.1 thru 11.40.060.B.5 of Chapter 11.40 provide that a Tree Removal Permit may be issued if any one of the following criteria is met:

- Where the Protected Tree itself, its excess foliage, or any one or more of its limbs is, in the opinion of the Director, unreasonably interfering with a Structure or other improvement and there is no reasonably practical alternative to mitigate the interference. (LCFMC §11.40.060.B.1.)
- Where, upon taking into account the size, shape, topography and existing Protected Trees upon the lot, the denial of the Permit would create an unreasonable hardship or a significant undue impairment of the use and enjoyment of the property by the Property Owner. (LCFMC §11.40.060.B.2.)
- Where the Protected Tree is so diseased or damaged that it is no longer viable or is a threat to cause damage to property or to other Protected Trees. (LCFMC §11.40.060.B.3.)
- Where the Removal of one or more Protected Trees is required by the Fire Department for reasons of public health, safety and/or welfare, including to provide an effective firebreak. This criterion shall only apply to existing Structures and must be supported by written documentation from the Fire Department. (LCFMC §11.40.060.B.4.)
- Where a Property Owner requests removal of a Protected Tree for other reasonable cause and the removal will not impact the character of the neighborhood from public view or adjacent properties or where such removal can be reasonably mitigated. (LCFMC §11.40.060.B.5.);

WHEREAS, subsection 11.40.060.E of Chapter 11.40 provides that, as a condition to granting a Tree Removal Permit pursuant to subsections 11.40.060.B.1 thru 11.40.060.B.5, inclusive, the Property Owner or applicant may be required to plant Replacement Trees on the subject property if removal of the Protected Tree(s) impacts the character of the neighborhood from public view or adjacent properties and where removal can be mitigated on-site;

WHEREAS, the Property Owner or applicant may pay a designated amount into the City's Tree Replacement Fund as an alternative to planting Replacement Trees in the following cases:

- In any case where a Tree Removal Permit is granted under subsections 11.40.060.B.1 thru 11.40.060.B.4 and the Director of Community Development, or his/her designee, reasonably determines that the required Replacement Tree(s) cannot be planted on the subject property due to the size, shape, topography, or design of existing development of the subject property, he or she may authorize the Property Owner or applicant to pay money into the City's Tree Replacement Fund in lieu of the required planting of Replacement Trees
- As a condition to granting a Tree Removal Permit pursuant to subsection 11.40.060.B.5, discussed above (LCFMC §11.40.060.E.6.);

WHEREAS, by this Resolution, the City Council desires to establish the sizes and numbers of Replacement Trees to be planted as a condition to the City granting a Tree Removal Permit pursuant to subsections 11.40.060.B.1 thru 11.40.060.B.4 of Chapter 11.40, and subsection 11.40.060.B.5, as applicable;

WHEREAS, by this Resolution, the City Council also desires to establish the amounts to be paid into the City's Tree Replacement Fund as a condition to the City granting a Tree Removal Permit pursuant to subsections 11.40.060.B.5, as applicable, and 11.40.060.E.6 of Chapter 11.40, as applicable; and

WHEREAS, the City Council further desires to establish the amount of restitution to be imposed to recover the loss of Protected Tree(s) in accordance with subsection 11.40.080.C of Chapter 11.40 for violations of Chapter 11.40.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby establishes the following numbers and sizes of Replacement Trees to be planted as a condition to the City granting a Tree Removal Permit pursuant to subsections 11.40.060.B.1 thru 11.40.060.B.5 of Chapter 11.40:

Replacement Tree Chart

Size of Tree Being Removed	Number of Replacement Trees	Size of Replacement Trees
12" to 23"	1	24" box sized; at least 1.5" diameter at breast height ("DBH")
24" to "35"	1	36" box sized; at least 1.5" DBH
36" or greater	1	48" box sized; at least 3" DBH

Section 2. The City Council hereby establishes the following amounts to be paid into the City's Tree Replacement Fund as a condition to the City granting a Tree Removal Permit pursuant to subsection 11.40.060.B.5 of Chapter 11.40, as applicable, or subsection 11.40.060.E.6 of Chapter 11.40, as applicable:

Tree Replacement Fund Chart

Size of Tree Being Removed	Amount to Be Paid into Tree Replacement Fund
12" to 23"	\$354
24" to 35"	\$705

36" or greater	\$3,600
----------------	---------

Section 3. The City Council hereby establishes the following restitution to be imposed to recover the loss of the Protected Tree(s), as defined in Chapter 11.40, in accordance with subsection 11.40.080.C of Chapter 11.40:

Restitution Chart

Size of Tree Removed	Amount to Be Paid into Tree Replacement Fund
12" to 23"	\$1,062
24" to 35"	\$2,115
36" or greater	\$10,800

For instances when the trunk diameter of the removed tree is not known and cannot be reasonably ascertained or can be reasonably ascertained by the Director of Community Development, or their designee to be less than 36" a fixed \$5,400 restitution amount will be collected. Or, if it can be reasonably ascertained by the Director of Community Development, or their designee, that the tree was 36" or greater, a fixed \$10,800 restitution amount will be collected.

Section 4. For purposes of Sections 1 thru 3 above, the size of the tree removed shall be determined using the diameter at breast height.

Section 5. The tables set forth in Sections 1 thru 3 of this Resolution, as amended, shall be known collectively as the "City's Tree Replacement Chart" as referenced in Chapter 11.40.

PASSED, APPROVED AND ADOPTED this 18th day of February, 2014.



 Laura Olhasso, Mayor

ATTEST:



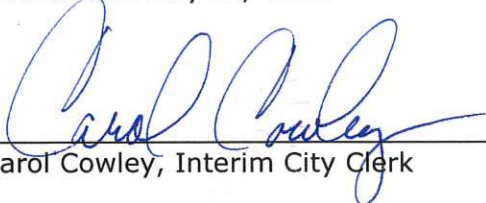
 Carol Cowley, Interim City Clerk

State of California)
County of Los Angeles) ss.
City of La Cañada Flintridge)

I, Carol Cowley, Interim City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 14-06 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 18th day of February, 2014, by the following vote:

AYES: COUNCILMEMBERS: CURTIS, SPENCE, VOSS, OLHASSO
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: DAVITT
ABSTAIN: COUNCILMEMBERS: NONE

Dated: February 18, 2014



Carol Cowley, Interim City Clerk