

ORDINANCE NO. 25-482

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE AGOURA HILLS MUNICIPAL CODE TO CONSOLIDATE ALL PROTECTED TREE REGULATIONS INTO SECTION 9657 AND UPDATING THE CITY'S PROTECTED TREE REGULATIONS TO STREAMLINE PERMIT PROCESSING, PRIORITIZE THE RETENTION OF INDIVIDUAL TREES, INCENTIVIZE THE PLANTING OF NEW PROTECTED TREES, INCLUDE THE CALIFORNIA SYCAMORE AND SOUTHERN CALIFORNIA BLACK WALNUT AS PROTECTED TREES, AND MAKE OTHER AMENDMENTS; AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Agoura Hills lies in the County of Los Angeles in the Conejo Valley, the beauty of which is greatly enhanced by the presence of large numbers of native trees, including oak trees, California sycamores, and Southern California black walnut;

WHEREAS, the further, uncontrolled and indiscriminate destruction of these trees would detrimentally affect the safety and welfare of the citizens of Agoura Hills;

WHEREAS, it is currently the policy of the City to require the preservation of all healthy oak trees unless compelling reasons justify the removal, cutting, pruning and/or encroachment into the protected zone of an oak tree;

WHEREAS, the protection and preservation of the California sycamore and Southern California black walnut, in addition to oak trees, would provide environmental and healthful value to the citizens of Agoura Hills;

WHEREAS, this Ordinance would provide environmental and healthful value to the City by: 1) increasing long-term canopy coverage; 2) reducing the urban heat island effect; 3) improving air quality by absorbing pollutants; 4) supporting biodiversity and habitat for wildlife; 5) combatting climate change by storing carbon dioxide and producing oxygen; 6) reducing noise pollution by serving as a noise buffer; 7) protecting people from ultra-violet rays; 8) conserving energy and reducing energy demand; 9) saving water by slowing water evaporation from other thirsty landscaping by providing shade; and 10) enhancing mental and physical health.

NOW, THEREFORE, the City Council of the City of Agoura Hills, California, hereby ordains as follows:

Section 1. The facts set forth in the recitals of this Ordinance are true and correct.

Section 2. Consistency with the General Plan. This Ordinance is consistent with the General Plan, specifically the Natural Resources Element and Goal NR-4, which calls for the protection and enhancement of open space resources, other natural areas, and significant wildlife and vegetation in the City as an integral component of a sustainable environment. The City currently protects oak trees, and the Ordinance will provide protections for two additional species of native trees, thereby protecting and enhancing vegetation in the City. The Ordinance provides specific incentives for the planting of new native trees, furthering General Plan Policies NR-4.10 and S-19.1, which aim to plant new oak trees while maintaining and preserving existing trees. Streamlining permit applications aims to reduce regulatory pressures to further the ultimate goal of incentivizing tree planting and producing more native tree canopy area throughout the City.

Section 3. Zoning Code Amendment. Division 7 (Oak Tree Preservation Guidelines) of Part 2 (Special Regulations) of Chapter 6 (Regulatory Provisions) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended in its entirety to read as follows:

“DIVISION 7. – PROTECTED TREE PRESERVATION REGULATIONS

9657 – Definitions.

For purposes of this Division, the following words, phrases, and terms shall be defined as set forth in this Section.

- A. *Certification Letter.* A letter certifying that work was performed under the direct supervision of a Tree Consultant and that said work fully complies with the conditions of approval of the Protected Tree Permit and this Division.
- B. *Crown.* The total collection of a tree’s branches, leaves, and reproductive structures.
- C. *Damage.* Any actions that cause physical harm to a tree, whether willful or accidental, including but not limited to breaking or extreme pruning of branches, and injury to bark, trunk, or roots.
- D. *Dead Tree.* A tree that does not contain any live tissue (i.e., green leaves or live limbs). Because valley oak (*Quercus lobata*) and California sycamore (*Platanus racemosa*) are deciduous trees and are dormant in the winter, their

status must be confirmed by the City's Tree Consultant before being declared dead.

- E. *Deadwood*. Limbs or branches that contain no green leaves or live tissue.
- F. *Deadwooding*. The process of pruning a tree of its deadwood.
- G. *Diameter at Standard Height (DSH)*. The measurement of a tree's trunk diameter taken at a standard height of 4.5 feet (54 inches) above ground level. For trees with multiple stems, DSH shall be calculated using the sum of the squares method as defined by the American Society of Consulting Arborists (obtained by measuring each stem's diameter, squaring them, summing the squares, and taking the square root of that total).
- H. *Director*. The Community Development Director or their designee.
- I. *Dripline*. An imaginary line drawn upon the ground measured at the furthest extension of the crown around the circumference of the tree.
- J. *Effective Removal*. Any action that results in the tree's permanent disfigurement, destruction, or removal.
- K. *Encroachment*. Any intrusion into the tree protection zone (TPZ) of a tree; including pruning, grading, excavating, trenching, installment of structures, driving vehicles, etc.
- L. *Hazardous*. A hazardous tree shall mean any tree that poses an imminent risk or danger to person or property. The Director may determine that a tree is a hazard if the entirety of the tree, or any part of it: (1) appears dead, dangerous, or likely to fall, even after proper maintenance activities are performed to eliminate dead or dangerous parts; (2) obstructs or damages a street, sidewalk, or other existing structure; (3) harbors a serious disease or infestation threatening the health of other trees; (4) interferes with vehicular or pedestrian traffic; or (5) poses any other significant hazard or potential hazard, as determined by the Director; provided, however, that no feasible measures could be implemented to abate any such hazard.
- M. *Ground Plane Improvements*. Improvements that do not significantly disturb the soil within the TPZ of a tree.
- N. *Landmark Tree*. Any protected tree with a DSH that measures 48 inches or greater.
- O. *Lion Tailing*. The improper pruning of excessive amounts of inner and lower branches, leaving foliage primarily at the ends of branches and susceptible to breakage.

- P. *Protected Tree*. All scrub oak species regardless of size and all of the following species of trees with a DSH that measures 6 inches or greater are considered protected trees: California sycamore (*Platanus racemosa*), Southern California black walnut (*Juglans californica*), or any oak (*Quercus*) species.
- Q. *Tree Consultant*. An individual or firm with a degree or experience in arboriculture, including experience in monitoring and maintaining the health of trees. The Tree Consultant must be an International Society of Arboriculture Certified Arborist, a Registered Consulting Arborist from the American Society of Consulting Arborists, or contain other equivalent certifications which would qualify them as a Tree Consultant at the discretion of the City.
- R. *Protected Tree Permit*. An entitlement from the City authorizing specific work to be performed on or near a protected tree.
- S. *Protected Tree Report*. A report prepared by a Tree Consultant containing specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one (1) or more Protected trees on an individual lot or project site.
- T. *Pruning*. Any and all cutting performed upon the roots or the limbs of a tree.
- U. *Removal*. The physical removal of a tree or causing of the death of a tree through damaging, poisoning or other direct or indirect action. Trees approved for retention or relocation which subsequently die shall be considered as removals.
- V. *Routine Maintenance*. Actions taken for the continued health of a tree, including but not limited to: pruning dead wood, insect spraying, and watering. Pruning branches smaller than three (3) inches in diameter that does not lead to crown loss over 20 percent (%) is considered routine maintenance. Topping, lion tailing, and any other practice that does not adhere to American National Standards Institute (ANSI) A300 standards and International Society of Arboriculture (ISA) best management practices do not constitute routine maintenance and are prohibited under any circumstances.
- W. *Topping*. The drastic and indiscriminate removal or cutting back of branches in a tree to reduce its size and shape.
- X. *Tree Protection Zone (TPZ)*. Using the dripline as a point of reference, the TPZ shall commence at a point five (5) feet outside of the dripline and extend inwards to the trunk of the tree. In no case shall the TPZ be less than fifteen (15) feet from the trunk of a tree.

9657.1. – Protected Tree Permit required.

Except as otherwise provided in Section 9657.2, no person shall remove or damage any protected tree unless a valid Protected Tree Permit has been issued by the Director or the Planning Commission pursuant to the provisions of this Division.

9657.2. – Exemptions.

The provisions of this Division shall not apply to the following:

- A. *Small Trees*: On private property, trees with a DSH smaller than 6 inches for the following species of trees: California sycamore (*Platanus racemosa*), Southern California black walnut (*Juglans californica*), or any oak (*Quercus*) species. Trees planted for the purpose of City-required mitigation and scrub oak species are not exempt and must comply with the permit requirements of this chapter.
- B. *Emergencies*: If upon a visual inspection, a protected tree is determined to be in a hazardous or dangerous condition by the City, any member of a law enforcement or public safety agency, or the Los Angeles County Fire Department, that agency may order or allow the removal of a protected tree. Prior notice to the Community Development Department shall be provided, if possible. Subsequent to the emergency action, written notification shall be provided to the Community Development Department describing the action taken and the nature of the emergency. For the purposes of this provision, the City may consider a protected tree to be in a hazardous or dangerous condition if the continued existence of the tree in its present location would eventually lead to a hazardous or dangerous condition, even with reasonable mitigation efforts.
- C. *Routine Maintenance of trees* as defined in Section 9657.
- D. *Nurseries Trees*: Protected trees that are planted, grown and/or held for sale by licensed nurseries or the removal or transplanting of same pursuant to, and as a part of, the operation of a licensed nursery business. This exemption is limited to trees with main trunks smaller than ten (10) inches DSH.
- E. *Active Fires*: When removal is determined necessary by fire department personnel actively engaged in fighting a fire.
- F. *Registered Plantings*: Any protected tree species that have been registered with the City pursuant to Section 9657.8.

9657.3. – Protected Tree Permit types.

Three different types of Protected Tree Permits exist to regulate work that may remove or damage a protected tree. The type of Protected Tree Permit shall determine application material requirements and the permitting process.

- A. *General Tree Permit:* General Tree Permits shall be required for work within the TPZ of a protected tree that is not routine maintenance and will not jeopardize the long-term health of the tree, and tree removals that are not associated with new development or Hazardous Tree Permits. Most tree pruning work falls under a General Tree Permit.
- B. *Hazardous Tree Permit:* Hazardous Tree Permits shall be required in those situations in which a protected tree is hazardous and must be removed for safety purposes.
- C. *Development Tree Permit:* Development Tree Permits shall be required for new construction projects that directly impact protected trees or propose ground disturbance activities within 25 feet of a protected tree, as measured from the edge of the TPZ.

9657.4. – General Tree Permits.

Required materials, processing procedures, and other requirements for General Tree Permits are set forth below.

- A. *Application materials.* An application package for a General Tree Permit shall include the following for the application to be considered complete and processed:
 - 1. *Application form.* A completed Protected Tree Permit application form available on the City's website or online permit platform.
 - 2. *Justification statement.* A written statement by the applicant or their Tree Consultant stating the justification for planned actions involving protected trees.
 - 3. *Photos.* Photos of the tree(s) proposed to be pruned or removed showing the state of the tree and its general location relative to the property listed in the application form. For trees proposed to be pruned, the Photos shall provide a general depiction of proposed cuts to be made to the tree.

4. *Fees.* Fee amounts for General Tree Permits shall be established by City Council resolution and are required to be paid upon the submittal of a General Tree Permit application.
 5. *Site plan map.* A site plan map is required for General Tree Permits impacting five (5) or more protected trees. Requirements for site plan maps are set forth in Section 9657.6.A.4.
 6. *Protected Tree Report.* A Protected Tree Report is required for General Tree Permits involving five (5) or more protected trees. Requirements for Protected Tree Reports are set forth in Section 9657.6.A.5.
- B. *Application process.* After the applicant has submitted all required materials listed above, the City will review the application materials for accuracy and completion, and inspect the project site, if necessary, within 30 days of submittal of a complete application.
1. For activities involving pruning only, a site inspection may not be required if the pruning is conducted by an individual or company on the City-endorsed tree care company list. Photos of the completed work shall be provided to the City within five days of completion.
 2. For activities involving pruning only, a site inspection shall be conducted by the City's Tree Consultant prior to permit issuance if the pruning activity is conducted by an individual or company that is not on the City-endorsed tree care company list. Photos of the completed work shall be provided to the City within five days of completion.
 3. For all other activities completed under a General Tree Permit, a site inspection may be required to confirm the site conditions stated in the application, or if the activity proposed has the potential to damage a protected tree, as determined the City.
- C. *Required findings.* After receiving all of the required information, a General Tree Permit application shall be approved when at least one of the following findings can be made:
1. The proposed work will not significantly affect the long-term condition of the protected tree(s), as determined by the City's Tree Consultant;
 2. The protected tree(s) is dead or declining and cannot be controlled or mitigated through reasonable preservation measures; or
 3. The protected tree(s) conflicts with existing infrastructure and no reasonable mitigation efforts can be taken to repair or prevent the damage and preserve the tree.

- D. *Mitigation.* One 24-inch box of the same species shall be planted for protected trees removed pursuant to Section 9657.4.C.3. above. Mitigation shall not be required for all other General Tree Permits unless it is found that the death, removal, or damage of a protected tree was a result of actions that were taken in violation of this Division. In those instances, the responsible party shall mitigate for the death, removal, or damage of the protected tree(s) as specified in Tables 1 and 2 of Section 9657.6.D.
- E. *Approval body.* The Director shall review and approve or deny General Tree Permit applications.
- F. *Decision.* Depending on whether the required criteria has been met, an application may be approved, conditionally approved, or denied. For General Tree Permits, the decision of the Director shall be final, and a decision shall be rendered within 30 days of determining the application is complete and accurate. Conditions of approval may include, but are not limited to, the following:
 - 1. The planting of replacement trees on-site or off-site;
 - 2. Payment of a mitigation fee as established by City Council resolution;
 - 3. A mitigation monitoring program to ensure the health and longevity of the protected tree(s).
 - 4. Compliance with applicable local, state, or federal regulations.
- G. *Expiration.* A general tree permit shall be valid for 180 days after the date of approval.

9657.5. – Hazardous Tree Permits.

Required materials, processing procedures, and other requirements for Hazardous Tree Permits are set forth below.

- A. *Application materials.* An application package for a Hazardous Tree Permit shall include the following in order for the application to be considered complete and processed:
 - 1. *Application form.* A completed Protected Tree Permit application form available on the City's website or online permit platform;
 - 2. *Justification statement.* A written statement by the applicant or their Tree Consultant stating the justification for planned actions involving protected trees;

3. *Photos.* Photos of the tree(s) proposed to be removed showing the state of the tree and its general location relative to the property listed in the application form;
 4. *Fees.* Fee amounts for Hazardous Tree Permits shall be established by City Council resolution and are required to be paid upon submittal of a Hazardous Tree Permit application. If the City confirms that the tree is dead or hazardous, application fees for the Hazardous Tree Permit shall be waived and refunded;
- B. *Application process.* After the applicant has submitted all required materials, the City will review the application materials for accuracy and completeness and inspect the project site as necessary within 30 days of submittal. If the protected tree(s) are determined not to be in a hazardous or dangerous condition, the application may be elevated to a General Tree Permit or withdrawn.
- C. *Approval body.* The Director shall review and approve or deny Hazardous Tree Permit applications.
- D. *Required findings.* After receiving all required information, a Hazardous Tree Permit application shall be approved if the following finding can be made:
1. The condition of the protected tree(s) is in a hazardous or dangerous condition or will be in a hazardous or dangerous condition and cannot be controlled or mitigated through reasonable preservation measures, as determined by the City.
- E. *Mitigation.* Mitigation shall not be required for Hazardous Tree Permits unless it is found that the death, removal, or damage of a protected tree was a result of actions that were taken in violation of this Division. In those instances, the responsible party shall mitigate for the death, removal, or damage of the protected tree(s) as specified in Tables 1 and 2 of Section 9657.6.D.
- F. *Decision.* Depending on if the required criteria has been met, an application may be approved, conditionally approved, or denied. For Hazardous Tree Permits, the decision of the Director shall be final, and a decision shall be rendered within 30 days of determining that the application is complete and accurate. Conditions on approval may include, but are not limited to, the following:
1. The planting of replacement trees on-site or off-site;
 2. Payment of a mitigation fee as established by City Council resolution;
 3. A mitigation monitoring program to ensure the health and longevity of the protected tree(s).

9657.6. - Development Tree Permits.

Required materials, processing procedures, and other requirements for development tree permits are set forth below.

- A. *Application materials*: An application package for a Development Tree Permit shall include the following in order for the application to be considered complete and processed;
1. *Application form*. A completed Protected Tree Permit application form available on the City's website or online permit platform.
 2. *Justification statement*. A written statement by the applicant or their Tree Consultant stating the justification for planned actions involving protected trees.
 3. *Fees*. Fee amounts for Development Tree Permits are established by City Council resolution and are required to be paid prior to the acceptance of a Development Tree Permit application.
 4. *Site Plan Map*. Site plan maps prepared by the applicant's Tree Consultant are required for Development Tree Permits. The site plan map must depict the protected tree(s)' trunk locations, crown spreads (as measured from trunk to edge of dripline to the compass directions of north, south, east, and west), and TPZs of all protected trees on the project site (including trees that are partially on the project site). Site plan maps must additionally depict all existing features and structures, as well as all proposed development activities including but not limited to demolition, grading, trenching, and construction. Site plan maps are valid for two (2) years after date of preparation, so long as the proposed development activity has not changed. The date of protected tree data collection must be within one year of the date of preparation.
 5. *Protected Tree Report*. Protected Tree Reports prepared by the applicant's Tree Consultant are required for Development Tree Permits. Protected Tree Reports are valid for two (2) years after date of preparation. The date of protected tree data collection must be within one (1) year of the date of preparation. Protected Tree Reports must include the following information:
 - a. Description of the proposed project.
 - b. Total number of protected trees on the lot.
 - c. Any off-site protected trees within 25 feet of proposed ground disturbance activities, as measured from the edge of the TPZ.

- d. Total number of protected trees proposed for removal, encroachment into the TPZ, and preservation without TPZ encroachment. The cumulative percentage of DSH removal for the site shall be provided.
 - e. Discussion of proposed tree protection measures during site development, including but not limited to protective fencing, arborist monitoring, and construction techniques within the TPZ (digging by hand).
 - f. Tree Replacement Plan if applicable, including number of replacement trees, species, container sizes, and planting locations (see Section 9657.6.D for tree replacement requirements).
 - g. The following data for each protected tree:
 - (1) Species (botanical and common name).
 - (2) DSH.
 - (3) Tree height.
 - (4) Tree crown extent from the trunk to the edge of the dripline to the compass directions of north, south, east, and west.
 - (5) Health rating on a scale of A to F, including disclosure of any significant health conditions such as poor vigor, evidence of disease, or evidence of pests.
 - (6) Appearance rating on a scale of A to F, including disclosure of any significant physical structure conditions, such as overextended branches, unbalanced crown, broken branches, etc.
 - (7) Pictures of the tree in its entirety. Pictures of multiple trees are permissible when it is not feasible to take individual pictures of trees.
 - (8) Discussion of anticipated impacts on the tree, including the following data:
 - i. Discussion of all proposed work within the TPZ, including pruning, paving, trenching, grading, filling, etc.
 - ii. Percent TPZ encroachment.
 - iii. Percent crown removal, if applicable.
 - iv. Evaluation of anticipated impacts to the health of the tree.
 - v. Square footage of removals for scrub oak species.
6. *Tagging.* Trees shall be affixed a tag and unique ID number on the north side of the tree at standard height.
- B. *Application process.* After the applicant has submitted all required materials, the City will review the application materials for accuracy and completeness

concurrently and in the same manner as the development application and inspect the project site as necessary.

- C. *Removal limits.* Development Tree Permits shall comply with the removal limits set forth below.
1. All scrub oak removals shall not exceed 10 percent of the total square footage of scrub oaks on the lot unless a variance is approved pursuant to Section 9676.2.C. In addition, increased mitigation shall be required if more than 10 percent of the total square footage of scrub oaks are removed, as shown in Section 9657.6.D, Table 1.
 2. All other protected tree removals shall not exceed 10 percent of the total DSH of the protected trees on the lot unless a variance is approved.
 3. If a project proposes to remove more than 10 percent of the total DSH of protected trees on a lot, a variance and increased mitigation shall be required based on the total proposed removal percentage as shown in Tables 1 and 2 of Section 9657.6.D.
 4. For proposed TPZ encroachment that exceeds 10 percent, a monitoring program shall be required to evaluate the health of the tree for up to 5 years following the completion of work. Ground plane improvements shall not count towards the 10 percent TPZ encroachment threshold.
 5. Landmark trees shall not be removed unless a variance is approved pursuant to Section 9676.2.C.
- D. *Mitigation requirements:* For protected tree removals associated with development tree permits, the applicant shall provide replacement trees at the ratios outlined in Tables 1 and 2 below. In some cases, where it is not possible to obtain nursery grown trees in the sizes required, an equivalent number of smaller container trees shall be planted in an amount equal to the cost of the larger but unavailable trees. Unless approved by the City on the basis of maximizing total urban canopy, prioritizing on-site plantings, and reducing conflicts with required infrastructure, the applicant shall provide replacement trees of the same species for any protected tree approved by the City for removal. In cases where site conditions or fire safety requirements physically preclude a developer from planting all of the required replacement trees on-site, the developer may propose off-site tree plantings in the same ratio as described below, or payment of in-lieu fees established by City Council resolution for each tree that is not able to be planted on-site.

Table 1: Scrub Oak Mitigation Requirements

Scrub Oak Species	
Square Footage to be Removed	Required Replacement Square Footage*
Less than 10% of total scrub oak	Equal to square footage removed
10% - 20% of total scrub oak	One and one half (1.5) times the square footage removed
Greater than 20% of total scrub oak	Two times the square footage removed

**Scrub oaks of the same species shall be planted to a five-foot on center spacing within the replacement area.*

Table 2: Protected Tree Mitigation Requirements

All Other Protected Trees	
DSH of Each Protected Tree to be Removed	Required Quantity and Size of Replacement Trees
Up to 10% Total DSH Removed	
6 inches to 12 inches	Two 24-inch box trees
12 inches to 24 inches	Three 24-inch box trees
24 inches to 36 inches	Four 24-inch box trees;
36 inches to 48 inches	Five 24-inch box trees;
Above 48 inches	Four 24-inch box trees; Two 60-inch box trees
10-20% Total DSH Removed	
6 inches to 12 inches	Two 36-inch box trees
12 inches to 24 inches	Three 36-inch box trees
24 inches to 36 inches	Four 36-inch box trees;
36 inches to 48 inches	Five 36-inch box trees;
Above 48 inches	Four 36-inch box trees; Two 60-inch box trees
Greater than 20% Total DSH Removed	
6 inches to 12 inches	Three 36-inch box trees
12 inches to 24 inches	Four 36-inch box trees
24 inches to 36 inches	Five 36-inch box trees;
36 inches to 48 inches	Six 36-inch box trees;
Above 48 inches	Five 36-inch box trees; Two 60-inch box trees

E. *Monitoring requirements.* On-site replacements and protected trees where TPZ encroachment exceeds 10 percent shall be monitored annually by the applicant's Tree Consultant for (5) years following the completion of construction activities.

1. Any replacement trees that die during the monitoring period shall be replaced at a 1:1 ratio.
 2. Any protected tree that has died or significantly declined in health at the end of the monitoring period shall be replaced at the same ratio as required by Section 9657.6.D, Tables 1 and 2.
 3. Monitoring reports shall be completed annually by the applicant's Tree Consultant and submitted to the Community Development Department. The monitoring report shall contain the following information for each tree that requires monitoring:
 - a. Photographs. A clear photograph of the tree shall be provided for each tree in the monitoring program. Pictures of multiple trees are permissible when it is not feasible to take individual pictures of trees.
 - b. A brief summary describing the overall success of replacement plantings and/or the health of existing trees. A detailed explanation shall be provided for trees that have declined in health or appearance, and a recommendation shall be provided on whether or not those trees will need to be replaced. The City shall ultimately determine whether replacements are required.
 4. Monitoring reports shall be required for at least five (5) years unless the City determines that they are no longer required based on the health of the trees and the extent of disturbance during or after construction.
- F. *Standards for performance of required work.* Following the approval of a Development Tree Permit, all work shall comply with the applicable standards set forth below
1. *Protective fencing.* A minimum five-foot high chain link fence with dark green mesh will be required to be installed at the outermost edge of the TPZ of each protected tree or group of protected trees. A fencing plan showing that the location, materials, and height of all proposed fencing comply with the requirements of this section shall be submitted by the developer and approved by the City prior to the issuance of a building permit. All required fencing shall be installed consistent with the approved fencing plan prior to the commencement of work. Prior to the removal of the protective fencing, the developer shall contact the City to perform a final inspection. Fencing requirements for individual protected trees may be waived by the City if no construction-related activities or disturbances are proposed within 25 feet of the TPZ.
 2. *Work within the TPZ.* All work conducted within the TPZ shall be performed in the presence of the applicant's Tree Consultant. The applicant's Tree

Consultant shall submit certification letters for all work completed within the TPZ of a protected tree within five working days of the completion of said work. The letter(s) shall describe all work performed, methods utilized, monitoring performed, whether such work was completed in accordance with all conditions of approval.

3. *Hand tools.* All work within the TPZ of a protected tree shall be accomplished using only hand tools.
4. *Root pruning.* All equipment used to prune protected tree roots shall be cleaned prior commencement of work. All root pruning shall consist of clean cuts at a forty-five degree angle with the cut surface facing downward.
5. *Activity within the TPZ.* No vehicles, equipment, materials, litter, or other items shall be used or placed within the TPZ of a protected tree at any time except as specifically required to complete approved work.
6. *Herbicide.* No herbicide shall be used within 100 feet of the TPZ of a protected tree.
7. *On-site documentation.* The following information shall be located and retained on the site for the duration of construction activities.
 - a. Approved Protected Tree Report, Site Plan Map, Fencing Plan, and Protected Tree Permit.
 - b. Approved development plans.
 - c. Approved grading plans, if applicable.
 - d. Approved landscape plans, if applicable.
 - e. Protected tree regulations.
- G. *Approval body.* A development tree permit shall have the same approval body as the associated development entitlements.
- H. *Required findings.* After receiving all required information, a Development Tree Permit application shall be approved when all of the following findings can be made:
 1. That the removal or damage of any protected tree(s) proposed, if applicable, is necessary because the continued existence at present location(s) either; (1) prevents the planned improvement or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or (2) interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal or damage of the tree(s);

2. That any proposed removal or damage of the protected tree(s) will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
 3. That the proposed development, as conditioned, meets all applicable removal limits and mitigation requirements.
- I. *Approval.* An application shall be approved or conditionally approved if all the required findings can be made and shall be denied if any of the required findings cannot be made. Conditions of approval may include, but are not limited to, the following:
1. The planting of replacement trees on-site or off-site;
 2. Payment of an in-lieu fee as established by City Council resolution;
 3. A mitigation monitoring program to ensure the health and longevity of protected tree(s)
- J. *Appeals.* The decision of the Director of Planning and Community Development may be appealed to the Planning Commission upon filing of the proper form and payment of appropriate fees. The decision of the Planning Commission may be appealed to the City Council and any decision by the City Council shall be final. All appeals must be filed within fifteen (15) calendar days of the decision to approve, deny, or conditionally approve the project.

9657.7. – Special Development Tree Permits.

This Section contains special Protected Tree Permit requirements for Affordable Housing Overlay (AHO) and Senate Bill 9 (SB 9) development applications. A Development Tree Permit shall be required for these projects if they involve activity within the TPZ of a protected tree, and the application shall be processed and approved concurrently and in the same manner as the development application. The Special Development Tree Permit required by this Section shall not be subject to the requirements of Section 9657.6, unless identified herein.

A. AHO projects.

1. *Application materials.* All application materials required for Development Tree Permits shall be provided as listed in Section 9657.6.A.
2. *Mitigation requirements.* If a project involves the removal of a protected tree, other than a landmark tree, one (1) 24-inch box replacement tree of the same species shall be planted on the site for each protected tree removed. For scrub oak species, on-site replacement shall be equal to the square footage of the area removed, with scrub oaks of the same species planted to a five-foot on center spacing within the replacement area.

- a. If proposed TPZ encroachment for an individual protected tree exceeds 20 percent, a monitoring program shall be required to evaluate the health of the tree for up to 5 years following the completion of work. Any protected tree that dies or significantly declines in health during the reporting period shall be replaced with one (1) 24-inch box replacement tree of the same species. Ground plane improvements shall not count towards the 20 percent TPZ encroachment threshold.
3. *Removal limits.* If a project involves the removal of up to ten (10) protected trees within the project site, not more than twenty-five (25) percent of the total DSH of all protected trees on that project site shall be removed. If the project involves the removal of eleven (11) or more protected trees within the project site, not more than thirty-five (35) percent of the total DSH of all protected trees on the project site shall be removed. Total scrub oak removals shall not exceed thirty-five percent of the total square footage of scrub oaks on the project site. Off-site trees that must be removed as a result of the project shall be considered on-site trees for the purpose of calculating total tree removals.
4. *Hillside stabilization.* For the purpose of providing natural stabilization of hillsides and preservation of native landscaping, a minimum of seventy-five (75) percent of all native trees on a slope steeper than fifty (50) percent shall be retained.
5. *Landmark trees.* The removal of a landmark tree is prohibited. If the City is compelled to allow the removal of a landmark tree due to any provisions of state law, no less than six (6) 24-inch box replacement trees shall be planted on the site.
6. *Alternative mitigation options.* In cases where site conditions or fire safety requirements physically preclude a developer from planting all of the required replacement trees on-site, the developer may propose off-site tree plantings in the same ratio as described below, or payment of in-lieu fees established by City Council resolution for each tree that is not able to be planted on-site.
7. *Monitoring requirements.* On-site replacements and existing protected trees where TPZ encroachment exceeds 10 percent shall be monitored annually by the applicant's Tree Consultant for up to (5) years following the completion of construction activities.
 - a. Any replacement trees that die within the 5-year monitoring period shall be replaced with a 24-inch box tree of the same species.

- b. Any existing protected trees that have died or significantly declined in health at the end of the monitoring period as a result of development activities shall be replaced with a 24-inch box of the same species. Landmark trees that die or significantly decline in health as a result of development activities shall be replaced with six (6) 24-inch box trees of the same species.
 - c. Monitoring reports shall be completed annually by the applicant's Protected Tree Consultant and submitted to the Community Development Department for at least five years following the start of construction activities as described in Section 9657.6.E.3.
8. *Standards for performance of required work.* All AHO projects shall comply with the standards for performance of required work for Development Tree Permits set forth in Section 9657.6.F.

B. *SB 9 Projects.*

- 1. *Application materials.* All application materials required for Development Tree Permits shall be provided as listed in Section 9657.6.A.
- 2. *Mitigation requirements.* If a project involves the removal of one or more protected tree(s), other than a landmark tree, the mitigation requirements for Development Tree Permits shall be required as specified in Section 9657.6.D, Tables 1 & 2.
- 3. *Removal Limits.* No SB 9 project shall remove more than 10 percent of the total DSH of protected trees or more than 10 percent of the total square footage of scrub oaks on a project site.
 - a. If proposed TPZ encroachment for an individual protected tree exceeds 10 percent, a monitoring program shall be required to evaluate the health of the tree for up to 5 years following the completion of work. Any protected tree that dies or significantly declines in health during the reporting period shall be replaced at the ratios specified in Tables 1 & 2 of Section 9657.6.D. Ground plane improvements shall not count towards the 10 percent TPZ encroachment threshold.
- 4. *Landmark trees.* An SB 9 project shall not result in the removal of a landmark tree.
- 5. *Alternative mitigation options.* If providing all required replacements on-site is not possible or feasible due to site constraints, the developer may propose to plant off-site replacements or pay an in-lieu fee as established by City Council resolution.
- 6. *Monitoring requirements.* All monitoring requirements for Development Tree Permits as described in Section 9657.6.E shall apply to SB 9 projects.

7. *Standards for performance of required work.* All SB 9 projects shall comply with the standards for performance of required work for Development Tree Permits set forth in Section 9657.6.F.

9657.8. – Planting incentives.

In order to encourage the planting of as many native trees as possible within the City, incentives should be provided to property owners or businesses that plant new native trees.

- A. *Registered plantings.* Any property owner that willingly plants new protected tree species on their property may register those trees with the City. Registered plantings on file with the City shall not be subject to the regulations of this Division. Applicants of Protected Tree Permits may not register required plantings or replacement plantings.
- B. *Modifications and variances.* The Director shall have the discretion to waive variance and modification fees for development projects that avoid impacts to protected trees, and as a result, do not meet established zoning criteria.

9657.9. – Company registration.

The City may establish a registration system by which individuals or companies that treat, prune, remove, or otherwise engage in tree care may be trained by the City to become City-endorsed individuals or companies. The purpose of this policy is to endorse tree care companies or individuals that abide by ANSI A300 standards and ISA best management practices, ensure the health and longevity of the City's protected trees, and to streamline general tree permit and development tree permit applications. Training may be held annually and companies that attend may afterwards register with the City to be placed on the City-endorsed tree care company list, which is retained and distributed at City Hall and on the City's website.

9657.10. – Protected tree mitigation fund.

The City may establish a protected tree mitigation fund to be used for the continued wellbeing of protected trees within the City. Funding may be sourced from in-lieu fees and restitution paid to the City for protected tree mitigation. In-lieu fee and restitution amounts shall be established by City Council resolution. Uses of the fund may include, but are not limited to, protected tree planting, maintenance and monitoring, and purchasing land for planting new native trees.

9657.11. – Penalties and enforcement for violation.

The City shall vigorously enforce the provisions of this Division. Violations of this Division shall be subject to the following procedures, notices and remedies:

A. Penalties.

1. Any violation(s) of any of the provisions of this Division and/or any failure to comply with any of its requirements shall be punishable as set forth in Chapter 2 (Penalties) and Chapter 5 (Administrative Citations) of Article 1 (General Provisions) of this Code.
2. In addition to the penalties and remedies contained herein, any violation of this Division caused or permitted to exist shall be and is deemed a public nuisance and may be summarily abated as such by the City in accordance with the nuisance abatement provisions set forth in Sections 5608 through 5622 of Chapter 6 (Nuisance Abatement) of Article V (Sanitation and Health) of this Code.
3. Each and every day during any portion of which any violation of any provision of this Division is committed, continued or permitted shall constitute a separate offense and shall be punishable accordingly.

B. Additional remedies. In addition to all available remedies permitted by federal, state, and local law, violations of this Division shall be subject to the following remedies:

1. Required mitigation. Mitigation trees in the size and amount specified by Section 9657.6.D, Tables 1 and 2 shall be planted on-site for protected trees that have been removed or effectively removed, at the determination of the City.
 - a. If the City determines that it is not possible or feasible to plant all required replacement trees on-site, those trees may be planted off-site in a location approved by the City or an in-lieu fee may be paid as established by City Council resolution.
2. Restitution. It has been determined that the protected trees within the City are valuable assets to the citizens of this community and to the citizens of the County of Los Angeles. Particularly egregious or willful destruction of protected trees or repeat violators of this Division shall be subject to additional restitution in an amount established by City Council resolution to compensate the public for lost assets and environmental degradation. Restitution funds shall be placed in a protected tree mitigation fund.

3. Violations by City-endorsed tree care companies. Any City-endorsed tree care company that commits a violation of this Division may be put on notice that their City-endorsed status will be revoked upon any repeat violation, or if the City finds that the City-endorsed tree care company willfully violated the provisions of this Division.

9657.12 – Nonliability of City.

Nothing in these Sections shall be deemed to impose any liability upon the City of Agoura Hills or upon any of its officers or employees, or agents, nor to relieve the owner and occupant of any private property from the duty to keep trees upon such property or under their control, in a safe condition.”

Section 4. Zoning Code Amendment. Section 9525.9 (Oak Trees) of Part 3 (AH Affordable Housing Overlay District) of Chapter 5 (Overlay Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended in its entirety to read as follows:

“9525.9. – Protected Trees.

Any project seeking approval under the AH overlay district and proposing activity within the tree protection zone of a protected tree shall require the review and approval of a Development Tree Permit, subject to the applicable standards located in section 9657.7.”

Section 5. Zoning Code Amendment. Section 9293.4 (Development standards for all projects) of Part 11 (Senate Bill 9 Housing Development Standards) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

“9293.4. – Development standards for all projects.

All housing development applications submitted pursuant to this part shall comply with the following development standards:

- A. *Parking.* Off-street parking of one (1) space per dwelling unit is required, except that no off-street parking spaces are required in either of the following instances:
 1. The parcel is located within one-half (½) mile walking distance of either a high-quality transit corridor, as defined in Section 21155(b) of the Public

Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

2. There is a car share vehicle located within one (1) block of the parcel.
- B. *Septic*. For residential units connected to an onsite wastewater treatment system, a percolation test must have been completed within the last five (5) years, or, if the percolation test has been recertified, within the last ten (10) years.
- C. *Setbacks*. Side and rear setbacks shall be a minimum of four (4) feet, except that no setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
- D. *Fencing*. All fencing shall meet the requirements listed in section 9606.2. No fencing or other barriers shall be established that prevent public access to trails or trailheads.
- E. *Private streets*. Developments may be served by private streets, provided that:
1. Unless prohibited by Government Code Section 66411.7(b)(3) as amended, an irrevocable offer to dedicate shall be made as a part of all development;
 2. Evidence is provided that easements required for the provision of public services and facilities exist to provide adequate access to all development served from said private street;
 3. Evidence is provided that adequate agreements exist to guarantee the ongoing maintenance of said private streets; and
 4. The width of said private streets comply with the city's standards for public streets.
- F. *Accessory dwelling units*. Accessory dwelling units shall not be permitted on parcels that have been created through an urban lot split or are proposed to be created through an urban lot split, and proposed housing developments containing no more than two (2) residential units pursuant to this part.
- G. *Utilities*. All utilities shall be provided as required by chapter 6.
- H. *Right-of-way improvements*. Unless prohibited by Government Code Section 66411.7(b)(3), all projects adjacent to a public street shall be designed and constructed to full public right-of-way improvements along the project frontages in accordance with the Committee of Public Works Standards, Inc.'s standard plans for public works construction and any applicable specific plans.
- I. *Drainage courses*. No structures or parts of structures shall overhang, project, or protrude into any known drainage course.

1. Fences and other structures, culverts and bridges, and any other improvements which must be constructed within drainage courses, shall be designed to the requirements of the city to prevent an obstruction or division of drainage flows and to minimize adverse effects to natural riparian vegetation and ecosystems.
- J. *Landscaping*. All projects shall meet the following landscape standards:
1. Landscaping shall be provided in all front yard areas visible to the public from any adjacent rights-of-way that are not specifically used for parking, driveways, walkways, patios, gardens, or other recreational purposes. Existing native vegetation or landscaping in front yard areas may be used to satisfy this standard.
 2. All manufactured slopes or the face of cut-and-fill slopes shall be planted or otherwise protected from the effects of storm runoff and erosion, and such planting or protection must occur within thirty (30) days after completion of grading.
 3. All new landscaping shall use at least fifty (50) percent native, drought-tolerant species selected from those listed by the California Native Plant Society in the Calscape website specific to Agoura Hills.
 4. No plants on the California Invasive Plant Council's list of invasive species may be used in the project landscaping.
 5. Artificial turf is discouraged in landscape areas to reduce the urban heat island effect, fire danger, and environmental impacts including waste materials and microplastic pollution.
 6. New required landscape areas shall provide at least five (5) different shrubs and groundcovers to provide foliage, texture, and color.
 7. Palm trees are prohibited in new landscape areas.
 8. Planted berms and slopes shall be no steeper than 2:1, and 3:1 is preferred to provide greater planting opportunities.
 9. Landscape design shall conform to stormwater design and low impact development (LID) requirements.
 10. Landscape plans shall meet the requirements of the Los Angeles Fire Department, Fuel Modification Unit for fire safety.
 11. Landscape and irrigation plans subject to the California State Model Water Efficient Landscape Ordinance (MWELo) shall conform to the requirements therein to achieve water efficient landscaping.

- ~~K. *Oak tree report.* The city's oak tree ordinance (section 9657 et seq.) shall not apply to a project seeking approval under this part, except for the following sections:~~
- ~~1. Section II. (Definitions) of appendix A of article IX.~~
 - ~~2. Items D, E, F.2, and F.3 of section IV (oak tree permit) of appendix A of article IX.~~
 - ~~3. Items A.3 and A.4 of section V (standards for performance of required work) of appendix A of article IX.~~
 - ~~4. Item E (oak tree report) of section 9657.5 of the Agoura Hills Municipal Code.~~
- ~~L. *Oak tree standards.* A project seeking approval under this part shall comply with the following standards:~~
- ~~5. No more than ten (10) percent of the total estimated tree canopy or root structure of all protected oak trees on a property shall be removed.~~
 - ~~6. Protected oak trees may only be removed, relocated, or altered if the removal, relocation, or alteration is necessary because the continued existence at their present location(s) prevents the proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive.~~
 - ~~7. If a project involves the removal of or encroachment greater than twenty (20) percent into the root zone or canopy zone of a protected oak tree that is 48 inches in diameter or less per the city's oak tree ordinance and guidelines (oak trees of the genus *Quercus*), one (1) 36-inch box oak tree, two (2) 24-inch box oak trees, and one (1) 15-gallon oak tree of the same species shall be planted on the site as mitigation for each oak tree removed or impacted. For scrub oak species protected per the city's oak tree ordinance and guidelines, on-site replacement for removal shall be equal to four (4) times the square footage of the area removed, with scrub oaks of the same species planted to a five foot on center spacing within the replacement area.~~
 - ~~8. The removal of or encroachment greater than twenty (20) percent into the root zone or canopy zone of a protected "landmark" oak tree (trees whose diameter exceeds forty eight (48) inches) is prohibited.~~
 - ~~9. For established oak trees, no planting, soil disturbance, or irrigation shall occur within a distance of six (6) feet or twenty five (25) percent of the total canopy width from the trunk in any direction, whichever is greater. For newly~~

~~planted oak trees, no planting shall occur within four (4) feet of the tree trunk.~~

K. *Protected Trees.* Any project seeking approval under this Part 11 (Senate Bill 9 Housing Development Standards) and proposing activity within the tree protection zone of a protected tree shall require the review and approval of a Development Tree Permit, subject to the applicable standards located in section 9657.7.

L. ~~M.~~ *Lighting.* All outdoor lighting shall be shielded and downward facing to avoid direct illumination of neighboring properties.

M. ~~N.~~ *Rental term.* A rental of any unit created pursuant to this part shall be for a term longer than thirty (30) days.

N. ~~O.~~ *Connected structures.* Adjacent or connected dwelling units shall be allowed provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.”

Section 6. Zoning Code Amendment. Appendix A (Oak Tree Preservation Guidelines) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby deleted in its entirety.

Section 7. Zoning Code Amendment. Paragraph 6 of Subsection C of Section 9555 (General Design Standards, Commercial/Residential) of Part 6 (OA Old Agoura Design Overlay District) of Chapter 5 (Overlay Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

“6. To the greatest extent possible, the architectural design and location of the building shall discourage grading on a hillside. If grading is required, building shall be integrated into existing terrain such that grading is minimized, taking care to preserve the viewshed, natural ridgelines, and ~~oak trees~~ protected trees.”

Section 8. Zoning Code Amendment. Subsection 4 of Section 9545.1 (Findings) of Part 5 (FC Freeway Corridor Overlay District) of Chapter 5 (Overlay Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

“4. The site design works with the characteristics of the existing terrain and maximizes preservation of open space to the maximum extent feasible, taking into consideration more than just economic feasibility. The existing terrain and

natural contours have been incorporated into the site plan design to maximum extent feasible, taking into consideration more than just economic feasibility. Where features of special interest such as hillsides, streams, or ~~oak trees~~ protected trees exist on the project site, they have been integrated into the design. The planning commission has the discretion to impose conditions as it may deem to be necessary to minimize and mitigate grading, the use of retaining walls, and the use of large flat pads.”

Section 9. Zoning Code Amendment. Subsection B of Section 9654.2 (General Standards) of Division 4 (Off-Street Parking, Loading, and Landscaping) of Part 2 (Special Regulations) of Chapter 6 (Regulatory Provisions) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

“B. *Planter or landscaped areas.* Where the standards set forth in this section or elsewhere in this Code require the installation of planters or landscaped areas within or adjacent to parking areas, such planters or landscaped areas shall be planted, irrigated and maintained with live landscaping such as lawn, ground cover, trees or shrubs, and surrounded by a six-inch-high curb. The landscaped areas shall not be less than the width specified excluding any perimeter curbing. Parking in the ~~oak~~ protected tree drip lines shall be discouraged and regulated by the provisions of section 9657 et seq.”

Section 10. Agoura Hills Municipal Code Amendment. Subsection (a) (Delegation of authority and responsibility) of Section 7803 (Authority and Power) of Chapter 8 (Community Tree Management) of Article VII (Streets) of the Agoura Hills Municipal Code is hereby amended to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

(a) *Delegation of authority and responsibility.* The director shall have full authority and responsibility to regulate and conduct the planting, pruning, maintenance and removal of trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. With the exception of any protected tree, as defined in Section 9657. ~~oak tree (as defined in Appendix A (Oak Tree Preservation Guidelines) of article IX of this code)~~, this shall include the emergency removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease, on publicly owned properties.”

Section 11. Agoura Hills Municipal Code Amendment. Section 7804 (Duties of Authorized Department) of Chapter 8 (Community Tree Management) of Article VII (Streets) of the Agoura Hills Municipal Code is hereby amended to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

“7804. – Duties of authorized department.

The city council hereby delegates tree care decisions, with the exception of decisions related to any protected tree, as defined in Section 9657, ~~oak tree (as defined in Appendix A (Oak Tree Preservation Guidelines) of article IX of this code)~~, to the public works department, hereinafter referred to as the "PW department." The director shall continue to make ~~oak~~ protected tree determinations consistent with section 9657 of this Code.”

Section 12. Zoning Code Amendment. Section 9120.4 of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

- A. *Damage, ~~oak tree~~ protected tree.* "Damage" shall have the same meaning as defined in Section 9657. ~~means any action undertaken which causes injury, death or disfigurement to an oak tree. This includes, but is not limited to, cutting, poisoning, overwatering, relocating or transplanting a protected tree, or trenching, excavating or paving within the protected zone of a tree.~~
- B. *Day care for adults.* "Day care for adults" means any state-licensed facility providing care or supervision on a less than twenty-four-hour per day basis for adults over eighteen (18) years of age.
- C. *Day care for children, small family day care home.* A "small family day care home" means a single-family residence which regularly provides care, protection and supervision of a maximum of eight (8) children in the provider's own residence, including children under the age of ten (10) years who reside at the single-family residence, for periods of less than twenty-four (24) hours a day, consistent with regulations issued by the State of California.
- D. *Day care for children, large family day care home.* A "large family day care home" means a single-family residence which regularly provides care, protection and supervision for seven (7) to fourteen (14) children, inclusive, in the provider's own residence including children under the age of ten (10) years who reside at the single-family residence, for periods of less than twenty-four (24) hours a day, consistent with regulations issued by the State of California.

- E. *Day nursery, children.* "Day nursery, children" means any facility, institutional in character, providing nonresident day care and supervision for more than twelve (12) children under sixteen (16) years of age, as defined and licensed by the department of social welfare of the State of California. "Day nursery, children" includes all types of group day care programs including, but not limited to, day nurseries, nursery schools for children under the minimum age for admission to public schools, parent-cooperative nursery schools, play groups for preschool children, and programs giving afterschool care to school age children.
- F. *Deadwood.* "Deadwood" shall have the same meaning as defined in Section 9657. ~~means limbs, branches or a portion of a tree that contains no green leaves during a period of the year when they should be present.~~
- G. *Density bonus.* "Density bonus" means a density increase of not less than ten (10) percent nor more than fifty (50) percent over the otherwise allowable residential density as provided in this article.
- H. *Density, gross.* "Gross density" means the total number of dwelling units permitted on an acre of land exclusive of all existing public streets and rights-of-way, but including all streets or rights-of-way to be developed.
- I. *Density, net.* "Net density" means the same as gross density except proposed streets and rights-of-way shall be excluded.
- J. *Development.* "Development" shall mean the activity of preparing land and constructing buildings or other facilities and improvements in order to establish a land use. Development also shall mean a lot or parcel of land with the completed buildings, facilities, and other improvements thereon.
- K. *Director.* "Director" means the director of planning and community development of the city or his duly authorized representative. "Director" also means the zoning administrator.
- L. *Drainage course, natural.* "Natural drainage course" means an area bounded peripherally by a water parting and draining ultimately to a particular watercourse or body of water.
- M. *Drip line.* "Drip line" shall have the same meaning as defined in Section 9657. ~~means the imaginary line upon the ground traced by vertical lines extended to the ground from the furthest extensions of the canopy or leaf crown of a tree, so that the traced line continues around the circumference of the canopy.~~
- N. *Driveway.* "Driveway" means a vehicular passageway for the exclusive use of the occupants of a property and their guests.
- O. *Duplex.* "Duplex" means an attached permanent building containing two (2) dwelling units.

- P. *Dwelling group*. "Dwelling group" means one (1) or more buildings, not more than two (2) stories in height, containing dwelling units and arranged around two (2) or three (3) sides of a court which opens onto a street, including single-family, duplex, and multiple-family dwellings.
 - Q. *Dwelling, multiple-family*. "Dwelling, multiple-family" means a permanent building containing three (3) or more dwelling units. For the purposes of the accessory dwelling unit regulations in section 9283, "dwelling, multifamily" means a permanent building with two (2) or more dwelling units, including a duplex, but not including a single-family home with an ADU or JADU.
 - R. *Dwelling, single-family*. "Single-family dwelling" means a permanent building containing one (1) dwelling unit.
 - S. *Dwelling unit*. "Dwelling unit" means one (1) or more rooms and a single kitchen, designed for occupancy by one (1) family for living and sleeping purposes."

Section 13. Zoning Code Amendment. Subsection F of Section 9120.5 of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to revise the definition for "encroachment" to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

F. Encroachment. "Encroachment" shall have the same meaning as defined in Section 9657, ~~means any intrusion or human activity into the protected zone of an oak tree, including but not limited to pruning, grading, excavating, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.~~ Encroachment also means an intrusion into any required yard or right-of-way."

Section 14. Zoning Code Amendment. Subsection 9120.15 ("O") of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows, to delete the definition for "oak tree preservation guidelines" with deleted language shown in ~~strikeout~~ and new language shown in underline:

- A. *Oak tree*. "Oak tree" means valley oak (*quercus lobata*), coast live oak (*Quercus agrifolia*) or any other tree of the oak genus.
- ~~B. *Oak tree preservation guidelines*. "Oak tree preservation guidelines" means the policy established by the city council and the administrative procedures and~~

~~rules established by the director of planning and community development for implementing this article.~~

- ~~B. C.~~ *Occupancy*. "Occupancy" shall mean the purpose for which land or a structure is used or intended to be used. A change of occupancy does not include a mere change of owners, tenants or proprietors.
- ~~C. D.~~ *Office*. The following types of uses are typical office functions: Agricultural, business and personal credit services; security and commodity brokers, dealers, exchanges, and services; employment services; insurance carriers, agents, brokers and services; real estate and related services; holding and investment companies; advertising services; consumer and mercantile credit reporting services; adjustment and collection services; direct mail advertising services; stenographic services and other duplicating and mailing services; news syndicate services; business and management consulting services; detective and protective services; motion picture distribution and services; physician and dental services; and office activities only of business organizations involved in manufacturing, wholesale and retail trade, transportation, communications and utilities.
- ~~D. E.~~ *Open space, developed*. "Developed open space" means open space substantially free of structures but possibly containing improvements which are part of a development plan or are appropriate for the residents of any residential development.
- ~~E. F.~~ *Open space, natural*. "Natural open space" means any parcel of land or water which is essentially unimproved and devoted to an open space use.
- ~~F. G.~~ *Outside display*. "Outside display" means the placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.
- ~~G. H.~~ *Outside storage*. "Outside storage" means the storage of goods, equipment or materials ~~out side~~ outside of a building for any purpose other than outside display."

Section 15. Zoning Code Amendment. Subsection 9120.16.Q ("P") of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to add a new definition for "protected tree" and deleting the definition of "protected zone" with deleted language shown in ~~strikeout~~ and new language shown in underline:

- "Q. *Protected tree*. Protected tree shall have the same meaning as defined in Section 9657.

~~Protected zone. "Protected zone" means that area at the base of an oak tree formed by tracing an imaginary line five (5) feet outward from and around the circumference of the drip line, the protected zone being the area extending inward toward the trunk of the tree from the tracing line. The protected zone shall be a radius of at least fifteen (15) feet from the trunk of the tree."~~

Section 16. Zoning Code Amendment. Subsection 9120.17.R ("J") of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to modify the definition for "routine maintenance" with deleted language shown in ~~strikeout~~ and new language shown in underline:

"J. ~~Routine maintenance, oak tree.~~ "Routine maintenance" means actions needed for the continued good health of an oak tree, including but is not limited to removal of deadwood, insect control, spraying and watering shall have the same meaning as defined in Section 9657."

Section 17. Zoning Code Amendment. Subsection 9120.19. ("T") of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to add a new subsection "I" to add a definition for "tree protection zone" to read as follows:

"I. Tree protection zone (TPZ). Tree protection zone shall have the same meaning as defined in Section 9657."

Section 18. Agoura Hills Municipal Code Amendment. Subsection (s) of Section 10407 (Tentative Map Contents) of Chapter 4 (Tentative Map) of Article X (Subdivisions) of the Agoura Hills Municipal Code is hereby amended to read as follows, with deleted language shown in ~~strikeout~~ and new language shown in underline:

~~"(s) Number, location and size of all existing oak trees."~~ "(s) Number, location and size of all existing oak protected trees."

Section 19. California Environmental Quality Act (CEQA). This Ordinance is exempt pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of Natural Resources) because it is an action taken by a regulatory agency to assure the maintenance, restoration, enhancement, and protection of the environment. While the Ordinance allows for a relaxation of processing procedures for General Tree Permits, it will not result in a relaxation of mitigation requirements, and it will not result in a relaxation of standards leading to environmental degradation. This Ordinance protects two additional native tree species, and mitigation requirements for the removal of

protected trees are generally increasing, particularly for removals of large trees and heritage trees that provide the most value to the environment. New incentives are also being provided to promote the enhancement and restoration of the City's native trees.

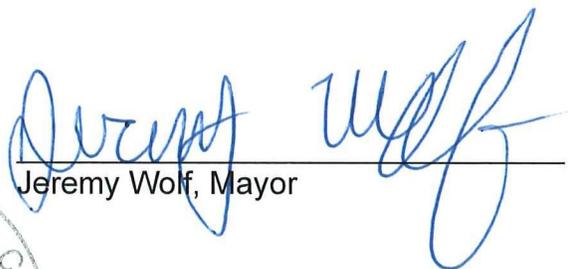
Section 20. Severability Clause. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstances, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 21. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

Section 22. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED, this 10th day of December, 2025, by the following vote to wit:

AYES: (5) Wolf, Klein Lopez, Anderson, Anstead, Sylvester
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

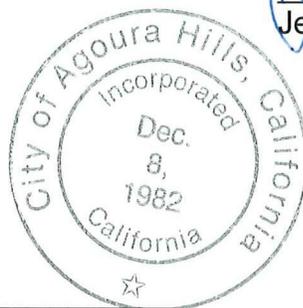


Jeremy Wolf, Mayor

ATTEST:



Kimberly M. Rodrigues, MMC, City Clerk



APPROVED AS TO FORM:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Candice K. Lee, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF AGOURA HILLS)

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing is a full, true, and correct copy of **Ordinance No. 25-482**, introduced at a regular meeting of the City Council of the City of Agoura Hills held on the 12th day of November, 2025, and, thereafter, adopted by the City Council at a Regular City Council Meeting held on the 10th day of December, 2025, and that said Ordinance was published or posted pursuant to law.



Kimberly M. Rodrigues, MMC
City Clerk