Chapter 9.06.090 - Tree Preservation and Protection

Chapter Index:

9.06.090.010 - Purpose
9.06.090.020 - Applicability
9.06.090.030 - Definitions
9.06.090.040 - Tree Preservation and Landscaping Approval
9.06.090.050 - Prohibitions
9.06-090.060 - Regulations, Controls and Prohibitions
9.06.090.070 - Restoration of Illegally Removed or Damaged Trees
9.06.090.080 - Public Utilities

9.06.090.010 - Purpose.

One of Bradbury's most important resources is the beauty of its natural environment. Native trees are a significant part of this environment. The purpose of this Chapter is to protect and preserve these trees and when removal is required this Chapter provides for their replacement.

9.06.090.020 - Applicability.

The provisions of this Chapter shall apply to all zone districts with respect to the planting, removal, and maintenance of trees.

9.06.090.030 - Definitions.

The following definitions shall apply to the interpretation of Chapter 9.06.090 et seq. regarding the regulation of trees:

A. Tree.

Tree shall mean a woody perennial plant which usually has (but is not limited to) a single dominant trunk and has a mature height of fifteen feet (15') or more, or has a trunk diameter of four inches (4") or more measured at twenty-four inches (24") above finished grade.

B. Weed.

Weed shall mean a plant which is considered to be growing out of place.

C. Diameter at Breast Height.

Diameter at Breast Height (DBH) shall mean the measurement of the diameter of a specific tree trunk at 4.5 feet (1.4 m) above finished grade.

D. Native Tree.

Native Tree shall mean any woody plant species indigenous to the desert, foothills or canyons of Southern California prior to the California Mission Period, provided that the plant has an expected mature trunk size of six inches (6") DBH and has an expected mature height of fifteen feet (15') or higher. Giant Sequoias, Redwoods (Sequoiadendron semperivirens), and Dawn Red-woods (Metasequoia glyptostroboides), evergreen native Oaks (such as Quercus agrifolia, engelmannii), deciduous Oaks (such as Quercus lobata, and kelloggii) are to be regarded as important native trees even though they have been planted by man, introduced (or possibly reintroduced) into the Southern California foothill and canyon environments.

E. Prominent Tree.

Prominent Tree shall mean a woody perennial plant with a trunk DBH of six inches (6") or more, and having an expected mature height of fifteen feet (15') or higher.

F. Significant Tree.

Significant Tree shall mean any non-native or exotic tree with a trunk DBH of six inches (6") or more, and having an expected mature height of fifteen feet (15') or higher, and known to survive in the Southern California environment.

G. Orchard.

Orchard shall mean an area primarily used for growing fruit trees or nut trees or any other agricultural commodity.

H. Nuisance Tree.

Nuisance Tree shall mean any tree with a root system which is capable of causing damage to surrounding hardscapes or may require an area greater than is available in order to sustain healthy and vigorous growth. For purposes of this section, no Native Tree may be classified as a Nuisance Tree. A Nuisance Tree shall include, but not be limited to:

1. Any tree which is known to reproduce itself excessively, thus becoming weed-like.

2. Any dead, diseased, infested, leaning or dying tree on private property so near to any street as to constitute a danger to street trees, or streets, sidewalks, or portions thereof, or the life, health or safety of the public or adjoining public or private property.

3. Any tree on any private property or in a parkway of a type or species apt to destroy, impair or otherwise interfere with any street improvement, sidewalk, curb, approved street tree, gutter, sewer or other public improvements including water utilities or services, or adjoining property.

4. Any tree or parts thereof growing upon private property, but overhanging or interfering with the use of any street, parkway, sidewalk or public place of the City which endangers the life, health, safety or property of the public.

5. The existence of any branches or foliage on private or public property which interferes with visibility on, or free use of, or access to any portion of any street improved for vehicular or pedestrian travel.

9.06.090.040 - Tree Preservation and Landscaping Approval.

A. Removal or Topping.

No removal or topping of existing prominent and/or significant trees is permitted on a building site without prior approval of the Planning Commission. A tree preservation and landscaping plans shall be included as part of the architectural review.

B. Planning Commission Review.

If prominent and/or significant trees are to be removed or relocated prior to a future architectural review, a tree preservation and landscaping plan shall be submitted to the Planning Commission for approval separately from and prior to submission of the finalized building plans. A finalized tree preservation and landscaping plan shall be submitted along with final architectural review plans.

C. Landscape Plan Required. .

A revised tree preservation and landscaping plan shall be submitted in connection with application for architectural review for enlargement of existing buildings and structures. In the case of minor additions or changes to the interior of a building, requiring removal or heavy trimming of existing important trees, a letter so stating may be submitted in lieu of a finalized tree preservation and landscaping plan.

D. Building Minor Additions.

If no tree preservation and landscaping plan, or no landscaping plans adequately covering the issue of preservation of existing trees was submitted as part of an applicable subdivision plan or earlier architectural review plan, then a tree preservation and landscaping plan shall be submitted as part of the architectural

approval plans, except for the case of minor additions or interior changes.

9.06.090.050 - Prohibitions.

It shall be unlawful, and it is hereby prohibited for any person to plant any tree which will cause distress, encroach upon an adjacent property whether public or private, block views, sunlight, or passage of air, move, remove, destroy, cut, trim (except for seasonal trimming), top, deface, injure or replace any living tree or to cause the same to be done without first obtaining a written permit from the City Manager. This permit shall specifically describe the work to be done. It shall be unlawful to do any such work not specifically described. It shall be unlawful for any person to:

A. Injure Trees.

Damage, cut, top, carve, etch, hew or engrave, poison, or injure the bark or root system of any tree except for standard root pruning procedures;

B. Over-watering, etc.

Allow any gaseous liquid or solid substance harmful to trees to come in contact with any part of any tree (i.e. over-watering);

C. Development under Tree Canopy.

Deposit, place, store or maintain upon the ground surrounding any trees any stone, brick, concrete or other material which may impede the free passage of air, water and fertilizer to the roots of any tree.

Nothing contained herein shall prevent a public utility provider from normal maintenance of lines and underground facilities. Public utilities intending to perform tree trimming or underground work shall notify the City Manager, in writing, five (5) working days prior to the commencement of any work and shall describe the location and nature of the work to be performed.

9.06.090.060 - Regulations, Controls and Prohibitions.

Except as otherwise provided herein, no tree shall be planted, maintained or removed except in conformity with this Section:

A. Pruning.

All trees shall be maintained in a manner to promote healthy growth, reduce fire hazards or excessive blockage of views of mountains or valleys from adjoining properties or sight triangles or traffic intersections. Pruning shall not degrade or adversely affect the health of any tree. Pruning practices shall conform to the pruning standards which have been adopted by the Western Chapter of the International Society of Arboriculture, and/or the National Arborists Association.

B. Seriously Diseased or Dead Trees.

Seriously diseased or dead trees shall be treated or removed by the property owner as necessary to correct the condition or prevent the spread to trees on adjoining properties. The Eucalyptus species of tree killed by the Eucalyptus Longhorn Beetle (ELB) must be cut down, buried or chipped. Trees which show symptoms of ELB infestation may require removal, unless adequate moisture becomes available allowing the tree to produce sufficient quantities of resin to kill all or enough of the larvae that the tree recovers from the infestation. A no fee permit will be issued for removal of a dead or diseased tree.

C. Removal of Native Trees and/or Prominent Trees.

No prominent tree, native tree or any other tree defined in Section 9.06.090.030 and/or which is of a desirable genus and species shall be removed without first obtaining a permit to do so. The City Manager shall issue such permits only after the presentation of photographs and/or drawings showing that the prominent tree is a significant health or fire hazard or has become an extremely severe detriment to the view of the mountains or valley from house sites. A 14-day waiting period is created hereby, during which time appeals to any decisions, restrictions or conditions made by the City Manager on the permit may be submitted in writing to the Planning Commission. Should an appeal be

filed, the 14-day holding period is extended automatically until the next Planning Commission meeting for which the item can be placed on the agenda.

D. Removal of Orchard Trees.

No orchard tree shall be removed without first obtaining a permit to do so. The City Manager shall issue such permits only after presentation of photographs and/or drawings showing that the orchard tree is a significant health or fire hazard or has become a severe detriment to the view of the mountains or valley from house sites. A 14-day waiting period is created hereby during which time appeals to any decisions, restrictions or conditions made by the City Manager on the permit may be submitted in writing to the Planning Commission. Should an appeal be filed, the 14-day holding period is extended automatically until the next Planning Commission meeting for which the item can be placed on the agenda.

E. Removal of Nuisance Trees.

No nuisance tree may be removed without first obtaining a permit to do so. The City Manager shall issue such permits only after presentation of photographs and/or drawings showing that the subject tree has a root systems that is causing damage to surrounding hardscape, is interfering with the use of street, parkway, sidewalk, curb, street, gutter, sewer or other public improvements or utilities including water utilities or services, is interfering with an adjoining property, is a significant health or fire hazard or has become a severe detriment to the view of the mountains or valley from house sites. No waiting period is required for removal of nuisance trees. To preserve public safety and reliability in the construction, operation and maintenance of overhead and underground electric lines and facilities, public utilities are exempt from the provisions, requirements and restrictions of this section.

9.06.090.070 - Restoration of Illegally Removed or Damaged Trees.

Any person responsible for the illegal removal of, or damage to, trees shall be required to restore the tree or trees by replanting a tree of equal size, significance, and prominence. The City Manager shall notify by first class mail or personal service, all persons whom he determines are responsible for the removal of, or damage to, the tree of the violation and order restoration. Any person aggrieved by the determination of the City Manager may appeal the determination to the City Council within 15 days of receipt of the notice. The City Council shall set the matter for hearing and give notice to the person who appeals of the time and place set for the hearing. Following the hearing, the City Council shall make its determination. The City Council's determination shall be final. Any person ordered to restore a tree or trees shall do so within fifteen (15) days of the conclusion of the appeal. If restoration is not completed by such date, then it may be undertaken by the City. The cost of restoration shall be a lien on the property or a debt of the person who removed the tree or trees, if such person does not own the property n which the trees were located.

9.06.090.080 - Public Utilities.

The provisions hereof shall not be construed to limit or interfere with the installation, maintenance and operation of public utility pipelines and electric or telephone transmission lines or railroads when located in accordance with the applicable rules and regulations of the Public Utilities Commission of the State of California, within rights-of-way easements, franchises or ownership of such public utilities.

Not withstanding any other provision of this Code to the contrary, as part of a subdivision or parcel map approval process, the City Council may authorize creation of a lot, not meeting minimum lot size for that zone, if the lot is forever dedicated for public utility purposes.