§ 17.20.040 OAK TREE PRESERVATION.

(A)   *Purpose.* The purpose of this section is the preservation of healthy oak trees which are necessary to preserve the present scenic beauty and heritage of Monrovia, maintain property values and promote conservation of natural resources. It is the intent of this chapter to establish regulations for the removal and pruning of oak trees within the city in order to retain as many trees as possible consistent with the purpose hereof and the reasonable economic enjoyment of private property.

   (1)   *Oak trees subject to this section.* Any oak tree ten inches in diameter or more measured at two feet above the level ground is subject to this section. For the purpose of this chapter, *OAK TREES* mean the native California Live Oak (Quercus Agrifolia) and or any other trees of the oak family.

   (2)   *Properties subject to this section.*

      (a)   Single-family zoned properties with oak trees in the front yard or street-facing side yard.

      (b)   In the multiple-family, commercial or industrial zones (RM, RM/PUD, RH, RM/RH, NC, HCD, CD/O, C/RS, O/RD/LM, BE, M, P/QP and PD) all oak trees. Exception: Single-family developed properties where no additional development is proposed shall be subject to division (A)(2)(a) above.

      (c)   All oak trees on vacant lots.

      (d)   All oak trees indicated on an oak tree preservation plan.

   (3)   *Conditions requiring a permit.* An oak tree preservation permit is required for any of the following:

      (a)   If an oak tree is to be cut to the ground, completely extracted, or to be killed or removed, by any other means; or

      (b)   If an oak tree is to be pruned so that more than one-third of the crown, existing foliage, or root system of the tree is removed; or

      (c)   If irrigation is to be installed or grading (cutting/or filling) is to take place within the drip line of an oak tree.

   (4)   *Permit process.*

(a)   At the time of application for an oak tree preservation permit, all applicants shall submit a tree location map drawn to scale (scale shall not be more than one inch equals 20 feet) locating existing oak trees on the project site with a trunk diameter of ten inches or greater. This map shall identify the approximate trunk diameter, base elevation, height, and condition of each oak tree.

(b)   An oak tree preservation permit will be filed and a decision by the Development Review Committee shall be rendered for each permit application. The determination of the Development Review Committee will be based upon the following criteria:

1.   The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility service.

2.   The necessity to remove the tree for compelling economic necessity to construct proposed structural improvements, or for the purpose of relandscaping with plant material more suitable to the immediate environment.

3.   Good forestry practice, such as in the thinning of growth where necessary or desirable to promote the healthy growth of the tree.

4.   The topography of the land and the effect of tree removal on erosion, soil retention or surface water flow shall be taken into account and balanced with all other considerations affecting decision upon the permit.

5.   The number of oak trees or other trees existing in the neighborhood on improved property. The Development Review Committee shall be guided by the standards established in the neighborhood and the effect of tree removal upon property values in the area.

(5)   *Appeal process.* Except in the event of a perceived emergency, the issuance of an oak tree preservation permit may be appealed to the Planning Commission within ten days of the Development Review Committee's decision.

(6)   *Exceptions.* In case of emergency when a tree is hazardous or dangerous to life or property, it may be removed by order of any member of the Police Department, Fire Department, or Community Services Department (Parks and Tree Division); provided, further, that any franchised public utility or representative of the city may remove trees which interfere with the safe and efficient operation of the public service for which they are responsible.

(7)   *Variances.* Standards may be deviated from (i.e., yard sizes, building separations, setbacks) if the Planning Commission determines that the preservation and retention of the oak tree outweighs the disadvantages associated with any variance granted to save it.

(8)   *Penalty.* Violations of this section by a single-family homeowner shall be punishable as an infraction. Persons with violations on lots developed with other than single-

family homes shall be deemed guilty of a misdemeanor. Violators may also be required to replace the tree(s) with a tree of comparable size, type, and condition as determined by the Development Review Committee.

(9) *Protection requirement for oak trees during construction.* The following conditions must be observed during construction, development, or maintenance of any site:

(a) Specified oak trees are to have a protective fence, approved by the Development Review Committee, surrounding the base out at least two-thirds of the total drip line during construction. Permanent decorative fencing may be required by the Development Review Committee as one of the conditions of approval for the project.

(b) Grading (cutting and/or filling) within the drip line of trees shall be approved by the Development Review Committee.

(c) Trees that have been damaged by construction shall be repaired in accordance with accepted arboriculture methods by a tree specialist.

(d) Oil, gas, chemicals, or other construction materials shall not be stored in the drip line of any trees.

(e) Drains shall be installed according to expert advice whenever soil fill is placed around trees.

(f) Signs, wires, or any type of obstruction shall not be attached to trees.

(g) The required landscape and irrigation plan shall be tailored per the needs of the retained tree as specified by a tree specialist. The irrigation system must be on a separate clock.

(`83 Code, § 17.20.040) (Ord. 94-03 § 6, 1994)