

Article 9. Landscaping Provisions in Public Rights-of-Way*

* *The title of Article 9, formerly entitled "Plants and Fences," amended by Section I, Ordinance No. 549-NS, effective November 13, 1975.*

***Sec. 7-2.901. Purpose and intent.**

The intent and purpose of this article are as follows:

- (a) To implement the goals and policies of the Scenic Highways Element of the General Plan, which applies to a specific system of highways as designated in that element;
- (b) To establish provisions of law which serve to promote a uniform City beautification program in public rights-of-way with the installation of street trees, landscaped median islands and parkways, and other landscape architectural features;
- (c) To protect and enhance the visual character of the streets and highways in the City, with particular attention being given to landscaping and the materials used within the roadways themselves, and to provide implementation methods for achieving this objective;
- (d) To acknowledge that trees and other plant materials, by means of their shape, texture, color, and shadow effect, give people a sense of closer contact with nature within the urban environment;
- (e) To acknowledge that trees and other vegetation ameliorate the effects of air pollution through the absorption of air contaminants, reduce glare, and attenuate traffic noise, thus making the highway environment more pleasant for both residents and visitors of the City;
- (f) To recognize that landscape treatment in the public rights-of-way imparts important physical, functional, economic, and aesthetic benefits to the community and that the presence of trees and other vegetation, as well as distinctive ornamental streetscape design features, can enhance the visual identity of the City and thus improve the overall quality of the environment;
- (g) To promote and enhance scenic highway distinction and identity by developing and maintaining highway landscape themes;
- (h) To provide for median and parkway landscaping as new development occurs adjacent to scenic highways;
- (i) To provide a policy, where development exists, that provisions be made for parkway and median improvements, including landscaping or other special treatment of public rights-of-way; and
- (j) To recognize that, as street trees mature along with increased population and urbanization and increased potential for liability, there is a need to have policies which guide decisions regarding proposed removal and replacement of street trees.

(§ I, Ord. 549-NS, eff. November 13, 1975, as amended by § 1, Ord. 1372-NS, eff. February 8, 2001)

* *Section 7-2.901 entitled "Planting trees and other plants," recodified from Section 11350, T.O.O.C., as added by Ordinance No. 50, amended by Section I, said Ordinance No. 549-NS.*

***Sec. 7-2.902. Definitions.**

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

- (a) "Land development manual" shall mean a document containing City standards and specifications for the improvement and maintenance of public streets.
- (b) "Landscaping design criteria." Landscaping design criteria within public rights-of-way and adjacent to public service easements shall be as defined in the Council adopted resolution containing precise guidelines and standards, and all landscaping shall be installed in accordance with City specifications.
- (c) "Parkway" shall mean and include that area of the public right-of-way between the back of the curb and the gutter line and the lot line of the adjacent property, other than a sidewalk.
- (d) "Primary highway" shall mean the widest type of traffic thoroughfare that is shown on the Circulation Element of the General Plan.
- (e) "Public service easement" shall mean an easement area usually adjacent to the street right-of-way containing utilities and City street trees.
- (f) "Scenic Highways Element" shall mean an adopted element of the General Plan containing the policies, objectives, principles, standards, and plan proposals for the development, establishment, and protection of scenic highways pursuant to the provisions of Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code of the State.
- (g) "Secondary highway" shall mean a lesser type of main traffic thoroughfare shown on the Circulation Element of the General Plan.
- (h) "Street appurtenance" shall mean an appurtenance within or adjacent to the public right-of-way, consisting of, but not limited to, street signs and street lights.
- (i) "Street median" shall mean a raised center strip of street right-of-way with varying widths containing landscaping and street appurtenances that serve to divide opposing traffic lanes and allow for left turn pockets.
- (j) "Street tree" shall mean any tree planted or to be located within the public right-of-way, or public service easement as a requirement of development or an entitlement of the same or adjacent property.
- (k) "Tree well" shall mean a designated tree planting location designed and installed in accordance with City specifications.
- (l) "Turn pocket" shall mean a special traffic lane for turning purposes within the street right-of-way that is designed and installed in accordance with City specifications.
- (m) "Community association" shall mean an association officially representing homeowners residing within a specific area that serves to manage and maintain facilities on land in common ownership through the collection of fees.
- (n) "Landmark trees" shall have that meaning as defined in Article 43 of Chapter 4 of Title 9 of this Code.

(o) “Historic trees” shall mean a tree that because of its historical or cultural significance, will be preserved and safeguarded as symbolic of the City’s heritage and to the beauty and image of the City of Thousand Oaks. All historic trees shall be designated pursuant to Article 43 of Chapter 4 of Title 9 of this Code.

(§ I, Ord. 549-NS, eff. November 13, 1975, as amended by §§ 4, 8, Ord. 1217-NS, eff. October 28, 1994, § 2, Ord. 1372-NS, eff. February 8, 2001, Part 14, Ord. 1610-NS, eff. January 15, 2016, and § 2, Ord. 1649-NS, eff. September 28, 2018)

* *Section 7-2.902 entitled “Trimming and removing trees,” recodified from Section 11351, T.O.O.C., as added by Ordinance No. 50, repealed by Section II, Ordinance No. 549-NS, effective November 13, 1975.*

Sec. 7-2.903. General requirements: Landscape plans.

(a) Where residential, commercial, or industrial development is proposed adjacent to primary or secondary highways, including scenic highways, it shall be the responsibility of the developer to prepare or have prepared a precise landscape plan for that portion of the right-of-way improvement adjacent to the proposed development. A registered landscape architect selected by either the City or the developer shall be retained to prepare the landscape plan and oversee the implementation phase of the project.

(b) The developer and the landscape architect shall meet with the Public Works Director and the Community Development Director during the preliminary design and planning stages of all median islands and parkways on primary and secondary highways.

(c) All median landscaping, trees within the public service easement, and parkway trees required to be planted by a developer shall be installed in accordance with the intent and content of the City’s Forestry Master Plan and approved by the Public Works Director and the Community Development Director or their respective designees. Additionally, landscape plans for primary and secondary highways adjacent to a project shall be prepared, and the implementation overseen, by a California Licensed Landscape Architect.

(§ I, Ord. 549-NS, eff. November 13, 1975, as amended by § 5, Ord. 1217-NS, eff. September 27, 1994)

Sec. 7-2.904. Medians: Types of landscaping required.

Where medians are constructed within primary and secondary controlled access highways, the type of landscaping to be installed shall depend upon the width of the particular median strip and shall be determined in accordance with the following:

(a) For median strips of widths less than six (6’) feet. Ground cover, trees, and/or shrubs, subject to approval by the Public Works Director and the Community Development Director. For areas within one hundred (100’) feet of an intersection, ground cover, trees, and shrubs shall be planted which will, upon maturity, not impede or restrict the vehicular sight distance. Where planting is not feasible, the median shall be paved curb to curb, in which case a decorative pavement pattern or textured surface material, approved by the Public Works Director and the Community Development Director, shall be utilized;

(b) For median strips of widths six (6’) feet to ten (10’) feet. Ground cover, trees, and/or shrubs, subject to approval by the Public Works Director and the Community Development Director. For areas within one hundred (100’) feet of an intersection, ground cover, trees, and shrubs shall be planted which will, upon maturity, not impede or restrict the vehicular sight distance. Where planting is not feasible in turn pockets and approaches thereto, a decorative pavement pattern or textured surface material, approved by the Public Works Director and the Community Development Director, shall be utilized; and

(c) For median strips of widths greater than ten (10') feet. Lawn, ground cover, trees and shrubs, subject to approval by the Public Works Director and the Community Development Director. Lawns must be irrigated with non-potable water. For areas within one hundred (100') feet of an intersection, ground cover, trees, and shrubs shall be planted which will, upon maturity, not impede or restrict the vehicular sight distance. Where planting is not feasible in turn pockets and approaches thereto, a decorative pavement pattern or textured surface material, approved by the Public Works Director and the Community Development Director, shall be utilized.

(d) Every attempt shall be made to incorporate drought-tolerant species in median areas.

(§ I, Ord. 549-NS, eff. November 13, 1975, as amended by § 6, Ord. 1217-NS, eff. September 27, 1994, and § 2, Ord. 1630-NS, eff. May 26, 2017)

Sec. 7-2.905. Trees in parkways, public service easements, and the like.

The following provisions shall apply with respect to trees in required parkways and public service easements:

(a) A lot or parcel of land in any zone adjoining a primary, secondary, collector, or residential street in connection with which a parkway is to be installed shall have ornamental trees planted in the parkway, right-of-way or public service easement.

(b) No building permit shall be issued for any construction on a lot or parcel of land required to have trees planted in the parkway until the required trees have been planted or a bond or security deposit is on file in the Public Works Department to assure that the trees will be planted prior to the occupancy of any structure. A condition to this effect shall be attached to all development and other permits hereafter approved by the City.

(c) Public service easements or peripheral right-of-way property on streets with monolithic sidewalks in residential, commercial, and industrial developments shall be planted with ornamental street trees prior to the issuance of any occupancy permit for any unit of the affected development. The type of tree to be planted shall be one identified within the planting pallets of the City's Forestry Master Plan and approved by the Public Works Director and the Community Development Director or their respective designees for the particular street in question. As a condition of a tentative tract map for large lot subdivisions (one acre minimum lot size), the Planning Commission may, under special or unique circumstances, modify or waive this requirement.

(d) For single-family residential subdivisions, a developer or owner shall submit to the City Engineer two (2) prints of the tentative subdivision map or the plot plan showing all streets and lots. The City Engineer shall indicate thereon the required trees and return one print to the subdivider or developer.

(e) To carry out the purposes of this section, the City shall prepare standard specifications for street tree planting which shall include, but not be limited to, the amount of bond required, the species of tree, planting methods and location, and maintenance. The specifications shall be effective upon adoption by the Council.

(f) That all planting shall conform to the City's Forestry Master Plan and any other City specifications.

(§ I, Ord. 549-NS, eff. November 13, 1975, as amended by §§ 7 and 9, Ord. 1217-NS, eff. September 27, 1994)

Sec. 7-2.906. Trimming, removal, and replacement of street trees.

(a) Any tree which is either dead, dying, or diseased within one year subsequent to the final acceptance of a development shall be replaced by the developer at the developer's sole cost and expense. Development entitlements approved by the City shall be conditioned to impose this requirement and to require the posting of a bond or cash deposit to guarantee performance.

(b) After one year subsequent to acceptance of the final improvements, the removal and replacement of street trees shall be authorized by the City.

(c) Except for City agents or employees as set forth in Section 7-2.907, no person shall cut, remove, trim, or in any manner alter the condition of a street tree without obtaining approval from the City.

(d) City approval for cutting, trimming or removal of a street tree may be granted if the City finds and determines that any of the following circumstances exist:

(1) The tree poses a significant threat to people, lawfully established structures, or other trees because of such factors as its continued growth, a structural defect, or its potential to spread disease or pests; as determined and certified by a certified arborist or City's Landscape Supervisor;

(2) The location of the tree interferes with public utility facilities; as certified by the Public Works Superintendent in consultation and concurrence with a certified arborist or City's Landscape Supervisor;

(3) The tree interferes with the public safety traffic line of sight or vehicle movement; as certified by the City's Traffic Engineer in consultation with a certified arborist or City's Landscape Supervisor;

(4) The removal, trimming, or cutting is part of a Council approved program for the replacement of street trees;

(5) The tree is causing extensive or substantial damages to public or private property, and pruning and other remedial means have proven unsuccessful or will not, in the opinion of the City's tree consultant or Landscape Supervisor, prove to be effective. Wastewater lateral damage through root infiltration alone shall not be sufficient reason for tree removal;

(6) Alteration or removal is necessary to construct improvements within the public right-of-way as certified by a Registered Civil Engineer of the State of California in consultation and concurrence with a certified arborist or Landscape Supervisor;

(7) Such other reason as, in the judgment of the City, is justified or required in the interests of the preservation of the public health, safety and welfare.

(e) If a street tree is removed, it shall be replaced by a City approved street tree as identified in the Forestry Master Plan and approved by the City's Landscape Supervisor.

(f) Whether the cost of removal and replacement of the tree shall be borne by the developer, the City, or the adjoining property owner, shall be determined by the Public Works Director or his/her designee according to the facts and circumstances of each case, and on the basis of the causes and reasons for the removal and replacement.

(g) The tree trimming or removal procedures utilized shall conform to the City's Forestry Master Plan.

(h) In addition to the penalties provided by this Code, any person who cuts, damages, moves or removes any street tree or portion thereof without City approval, in violation of this section, is responsible for payment of proper restitution and may be required to replace the street tree so removed or damaged. Any damage to the tree shall be valued pursuant to the “Standards of Valuation of Amenity Trees” of the International Society of Arboriculture.

(§ I, Ord. 549-NS, eff. November 13, 1975, as amended by § 10, Ord. 1217-NS, eff. September 27, 1994, and § 3, Ord. 1372-NS, eff. February 8, 2001)

Sec. 7-2.907. Repairs of street improvements within public rights-of-way where damages have been caused by street trees.

Damages caused to street improvements by street trees shall be handled in the following manner:

(a) The City, at City expense, shall make the initial repairs of street improvements damaged by tree roots. After the City has once made such repairs with respect to a given tree, and the owner desires to retain the tree in place, it will thereafter be the property owner’s responsibility to pay for any future repairs necessitated by maintaining the tree or trees which caused the damage. Non-fronting residential curbs and sidewalks shall be the responsibility of the appropriate local community association, where one exists, or of the individual property owner, where no such association exists, after the City has made its initial repairs on the sidewalk or street improvements. If the property owner or community association fails to make such improvements, the City will make the repairs at the owner’s expense, as provided by law.

(b) The City, at City expense, shall remove trees within the public rights-of-way when such trees are causing damages to sidewalks or other street improvements; provided, however, this provision shall not apply to oak trees and other historic trees which are provided for by resolution or specific sections of this Code and, in addition, shall not apply when the property owner on whose property the tree fronts agrees to be responsible for any and all future repairs that may be necessitated due to the maintenance of the tree.

(c) Any tree which is removed shall be replaced with an appropriate City-approved street tree at City expense.

(d) The City shall replace the curbs and gutters and make the necessary repairs to the street improvements at the City’s expense.

(§ I, Ord. 549-NS, eff. November 13, 1975)

Sec. 7-2.908. Scenic highways.

Scenic highways, as defined and adopted in the Scenic Highways Element of the General Plan, shall have landscaped medians and parkways that are planned for the full length of the right-of-way to achieve a continuous and/or compatible landscape design theme. Where highways are wholly or partially landscaped, attempts shall be made to continue the dominant landscape theme along any future extensions of the route.

(a) Where new development occurs adjacent to “existing highways,” as defined in the Scenic Highways Element, right-of-way landscaping and improvements shall be installed in accordance with the provisions of this article relating to medians, landscaping, and trees in parkways. In addition, particular attention shall be given to the location and design of future highway-adjacent structures, including walls and fences, for their enhancement of scenic or aesthetic qualities of the route.

(b) Where “future routes” and “extension of existing routes,” as defined in the Scenic Highways Element are constructed, at minimum, there shall be compliance with the requirements specified in this article relating to medians, landscaping, and trees in parkways. The development of future routes shall also be subject to the following requirements:

(1) A general alignment and grade shall be established to fit the scenic character of the area to be traversed. Such alignment and grade shall also include an emphasis upon fitting the roadway to the natural topography.

(2) The dedication of scenic easements adjacent to street rights-of-way may be required by the Planning Commission.

(3) Highway-adjacent structures, including subdivision walls, shall be designed and located in such a manner as to enhance the scenic or aesthetic qualities of the route.

(c) Scenic highways shall also be further distinguished by the use of unique street appurtenances, including distinctive street lighting, street signs, and scenic highway identification signs. Variations in the textural finish or roadway surfaces at selected pedestrian crosswalks and street intersections shall be within the Thousand Oaks Core Area whenever possible.

(§ I, Ord. 549-NS, eff. November 13, 1975)

Sec. 7-2.909. Installation and maintenance programs, costs, and operation for medians and parkways on secondary and primary highways, including scenic highways.

(a) Development permits, special use permits, and tentative tract maps approved for the development or expansion of projects on property adjacent to primary and secondary highways shall be conditioned to require the improvement of median islands and parkways in accordance with the provisions of this article, unless this requirement is waived by the Council.

(b) Landscape maintenance districts may be established by the Council for specific areas to share the costs for the installation and maintenance of landscaped median islands and parkways.

(c) Capital improvement programs may be adopted by the Council to provide for the construction of landscaped median and/or parkway improvements on primary or secondary highways, giving priority to scenic highways as funds become available. Scenic highways to be considered for priority capital improvement funding shall include Moorpark Road and Thousand Oaks Boulevard.

(§ I, Ord. 549-NS, eff. November 13, 1975)

Sec. 7-2.910. Planting lawns and ground cover.

(a) It shall be permissible to plant and maintain a lawn or similar ground cover not prohibited by law within the right-of-way of a public highway without a permit; provided, however, the lawn or similar ground cover shall not extend into the traveled way of the public highway nor into the sidewalks, drainage ditches, gutters, or other improved facilities.

(b) The public may not be denied the use of the planted area for pedestrian or other lawful use. The City may use the planted area for any purpose and may issue a permit to any applicant to perform encroachment work pursuant to the provisions of this chapter. If the lawn or similar ground cover is damaged in the course of an authorized encroachment, the permittee who caused the damage shall be responsible for the replacement thereof, unless the permit specifically states otherwise.

(c) Plastic or artificial plants shall be prohibited, except as approved by the Public Works Director and Community Development Director, within a public right-of-way.

(§ 11352, T.O.O.C., as added by Ord. 50, as renumbered by § II, Ord. 549-NS, eff. November 13, 1975, as amended by § 3, Ord. 1649-NS, eff. September 28, 2018)

Sec. 7-2.911. Planting and erecting hedges, shrubs, and fences.

No hedge, shrub, or other planting and no fence or other structure shall be planted, erected, or maintained in a right-of-way without a permit upon any sidewalk or shoulder or in such manner which impedes, obstructs, denies, or impairs the sight distance for safe pedestrian or vehicular traffic.

(§ 11353, T.O.O.C., as added by Ord. 50, as renumbered by § II, Ord. 549-NS, eff. November 13, 1975)

Sec. 7-2.912. Maintenance of hedges, shrubs, and fences.

The permittee shall maintain hedges, shrubs, or other plantings, and fences or similar structures in a neat and orderly condition. If the encroachment is not so maintained, the City Engineer may direct the permittee to remove the encroachment and restore the right-of-way to its former condition at the expense of the permittee.

(§ 11354, T.O.O.C., as added by Ord. 50, as renumbered by § II, Ord. 549-NS, eff. November 13, 1975)

Sec. 7-2.913. Private property encroachments on public right-of-way.

(a) Owners and occupants of private property shall maintain all hedges, shrubs, or other plantings, and fences or similar structures upon their property in a neat and orderly condition and shall not allow such plantings and structures to encroach upon the public right-of-way.

(b) It is a violation of this chapter to allow hedges, shrubs, other types of plantings, fences or similar structure to encroach upon the public right-of-way.

(c) Upon failure of the owner or occupant of private property to remove an encroachment after receipt of written notice, the City may take any actions authorized by this Code or State law to bring the property into compliance. Should the City perform necessary work to remove encroachments in the right-of-way, such owner or occupant of the private property failing to remove such encroachment shall be liable for all costs associated with the removal of such encroachment by the City pursuant to section 1-2.06 of this Code.

(§ 4, Ord. 1649-NS, eff. September 28, 2018)