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Chapter 12.24 TREE REGULATIONS

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12.24.010 Purpose and intent.

A. The public interest and welfare require that the city establish, adopt and maintain a comprehensive program for installing, maintaining and preserving trees within the city.

B. This chapter establishes policies, regulations and specifications necessary to govern installation, maintenance and preservation of trees to beautify the city, to purify the air, to provide shade and wind protection, and to preserve trees with historic or unusual value.

C. It is the policy of the city to line its streets with trees and to conduct a consistent and adequate program for maintaining and preserving these trees. This policy provides for planting trees in all areas of the city and for selecting appropriate species to achieve as much beauty and economy as possible. It is also the policy of the city to protect and preserve all desirable trees, wherever they are located. It shall be the duty of the director to enforce, implement and carry out this policy and the provisions of this chapter.

D. It is the policy of the city to encourage new tree planting on public and private property and to cultivate a flourishing urban forest. (Ord. 1392 § 1 (part), 2001)

12.24.020 Tree committee.

A. The tree committee shall act as an advisory body to the director and the city council on all matters related to trees in San Luis Obispo.

B. The tree committee shall have five members who shall serve four-year terms, which shall be staggered. (Ord. 1392 § 1 (part), 2001)

12.24.030 Definitions.

The following words and phrases used in this chapter, unless a different meaning is clearly required by the context, shall have the following meanings:

A. "Director" means the public works director or his or her designated representative.

B. "Heritage tree" means any tree existing within the city limits, which has been so designated by resolution of the city council. Heritage trees shall be trees with notable historic interest or trees of an unusual species or size.

C. "Maintain" or "maintenance" means the entire care of trees as well as the preparation of ground and fertilizing, mulching, trimming and watering.

D. "Planting" means new planting and replacement planting.

E. "Planting area" means the area available for planting either within the street right-of-way and designated tree easements or within five feet of any street right-of-way or alley.

F. "Public utility" means any company doing business as a public utility under the jurisdiction of the Public Utilities Commission of the state and any duly constituted public agency authorized to provide and providing utility service.

G. "Street tree" means any tree within the city right-of-way.

H. "Tree" means any perennial woody plant having a trunk at least three inches in diameter at a height four and one-half feet above the ground. This definition shall include any tree planted by or required to be planted by the city which will attain the stated size at maturity. (Ord. 1392 § 1 (part), 2001)

12.24.040 Enforcement.

The public works department shall be responsible for enforcement of this chapter. (Ord. 1392 § 1 (part), 2001)

12.24.050 Master tree lists.

The tree committee, with the assistance of the public works and community development departments, shall develop and maintain a master tree list and a master street tree list which shall be adopted by resolution of the city council and shall be on file in the office of the city clerk. These documents shall specify the species of trees suitable and desirable for planting in certain areas in order to establish a wide-ranging urban forest. (Ord. 1392 § 1 (part), 2001)

12.24.060 Tree planting plans.

The tree committee, with the assistance of the public works and community development departments, shall recommend a tree planting plan and a street tree planting plan to be adopted by resolution of the city council and maintained on file in the office of the city clerk. These documents shall set forth the species of trees to be planted and shall encourage species diversity throughout in different areas of the city and shall include a schedule for street tree planting to hasten establishment of the urban forest. (Ord. 1392 § 1 (part), 2001)

12.24.070 Residential tree planting plans.

A. The city arborist, with direction from the tree committee, the architectural review commission or the city council, may designate specific tree planting plans for certain residential neighborhoods or blocks, which specify the species and locations for trees to be planted in those neighborhoods or blocks. The director, the tree committee or the architectural review commission must approve any deviations from these residential tree planting plans.

B. Trees for residential areas without specific tree planting plans must be selected from the master tree list. (Ord. 1392 § 1 (part), 2001)

12.24.080 Street tree planting and maintenance standards.

The public works and community development departments, with the approval of the tree committee, shall develop and implement policies and standards for street tree planting and maintenance, which shall be adopted by resolution of the city council. (Ord. 1392 § 1 (part), 2001)

12.24.090 Street tree planting requirements.

A. Planting street trees may be required as a condition of a use permit, variance or other city entitlement.

B. Planting street trees shall be required as a condition of approval for all subdivisions and building permits. The policies and standards for street tree planting and maintenance shall be followed in all instances. (Ord. 1392 § 1 (part), 2001)

12.24.100 Street tree planting procedures.

A. All street trees shall be planted within the planting area. In R-1 and R-2 zones, if the city requires tree planting in the sidewalk instead of behind the sidewalk, the city shall pay for additional costs incurred.

B. Before planting, all street trees must be inspected and approved by the city arborist or his or her designee.

C. Required street trees must be planted after completion of each adjacent building and before an

occupancy release is issued for the adjacent building, unless otherwise approved by the director.

D. The city shall encourage installing both integral and detached sidewalks within the same block when the director has determined that the change within the block is necessary to preserve a desirable tree, provided a minimum sidewalk width of four feet can be constructed.

E. Property owners shall be responsible for establishing and maintaining required street trees adjacent to their property, except as provided elsewhere in this chapter.

F. So that the city arborist can determine the tree requirements for site development, any subdivider or developer shall submit to the city a plot plan of the proposed subdivision which shall:

1. Show clearly all existing trees, noting location, species, diameter and condition;
2. Note whether existing trees will be retained, removed or relocated;
3. Show proposed utilities, driveways, street tree locations, and the size and species of proposed street trees. (Ord. 1392 § 1 (part), 2001)

12.24.110 Control of trees and shrubs on public easements.

A. To prevent hazards to the public, property owners shall maintain all trees, shrubs and other plant growth on their property or adjacent to their property and within the public right-of-way. Hazards shall include, but not be limited to, branches hanging over sidewalks and shrubbery growing into the right-of-way which interferes with passage.

B. The city will notify property owners of hazards by posting abatement notices according to the Streets and Highways Code, Improvement Act of 1911, Sections 5610 through 5618.

C. Any tree or shrub growing on private property that, in the opinion of the director, endangers public property shall be removed or trimmed by the property owner within fourteen days after receiving notice from the director. If the property owner fails to remove or trim the trees or shrubs, the city will conduct the work and assess the property owner for the cost. The city shall give property owners at least ten days' notice of the city council hearing to confirm assessments. Upon confirmation of assessments by the city council, removal and trimming costs shall become a lien on the property and the resolution assessing these costs shall be recorded with the county recorder's office. The assessment may be collected by court action. In case of emergency caused by a tree in a hazardous condition, the tree may be removed by order of the director. (Ord. 1392 § 1 (part), 2001)

12.24.120 Street tree maintenance.

The city will maintain all street trees in the downtown commercial area and on major streets. In all other areas of the city, street tree maintenance will be the responsibility of the adjacent property owners, except that the city will prune and spray street trees in these other areas to ensure healthy and attractive growth. Trees will be pruned based on a predetermined schedule approved by the public works director. Owners may wait for scheduled maintenance or may have their street trees pruned by an International Society of Arboriculture certified arborist at their own expense with written approval by the city arborist. The city's responsibility to prune street trees shall not relieve property owners of their responsibility to prevent hazards as required in Section [12.24.110](#). (Ord. 1392 § 1 (part), 2001)

12.24.130 Protection of trees.

A. No person shall trim, prune or cut any street tree unless such work conforms to this chapter and is performed in accordance with all International Society of Arboriculture standards. In no case shall more than one-third of the tree canopy be removed.

B. No person shall interfere, or cause any other person to interfere, with employees of the city who are engaged in planting, maintaining, treating or removing any street tree or removing any material detrimental to the tree.

C. No person shall willfully injure, disfigure or intentionally destroy by any means any tree growing within the planting area or elsewhere within the jurisdiction of this chapter, except with permits described elsewhere in this chapter.

D. No person shall:

1. Construct a concrete, asphalt, brick or gravel sidewalk, or otherwise fill up the ground area near any tree, to shut off air, light or water from the roots, except under written authority from the public works department.
2. Place building material, equipment or other harmful substance near any tree, which might cause injury to the tree.
3. Post any sign on any tree, tree-stake or guard, or fasten any guy wire, cable or rope to any tree, tree-stake or guard.

E. Tree-stakes or guards may be placed around street trees by property owners for the purpose of protecting or training the trees, with approval of the director.

F. No person shall plant any street tree except according to policies, regulations and specifications established pursuant to this chapter or any currently applicable ordinances or code sections.

G. Any person deemed responsible for damaging a tree or removing a tree without a permit as described in this chapter shall be liable for civil damages to the city in the amount adopted, by resolution, by the city council or for the value of the tree as determined by methods established by the International Society of Arboriculture, whichever is greater as determined by the city arborist.

H. It shall be unlawful for a property owner to maintain a tree or shrubbery hazard as described in Section [12.24.110](#) and identified by city inspection. (Ord. 1392 § 1 (part), 2001)

12.24.140 Tree maintenance by public utilities.

A. A public utility shall obtain a permit, issued by the director and valid for one year from the date of issuance, in order to maintain trees growing adjacent to utility fixtures or apparatus. This permission shall cover trees which encroach upon public streets.

B. When maintaining street trees, a public utility must observe good arboricultural practices, as specified by International Society of Arboriculture Western Chapter Pruning Standards and City of San Luis Obispo Safety Pruning Specifications.

C. When public utility pruning affects ten percent or more of a street tree's natural canopy, or when there are energized utility lines closer than ten feet from a street tree's main trunk or trunks, the public utility shall provide complete pruning of the entire tree. (Ord. 1392 § 1 (part), 2001)

12.24.150 Responsibilities for repairing tree damage to curbs, gutters and sidewalks.

A. When roots of a tree planted within the planting area damage city curbs, gutters and sidewalks, including driveway ramps, the city shall be responsible for appropriate corrective measures which are least damaging to the tree.

B. When roots of a tree planted outside the planting area damage city curbs, gutters and sidewalks, including driveway ramps, the property owner shall be responsible for appropriate corrective measures which are least damaging to the tree.

C. When the city designs new sidewalks, curbs or driveway approaches the city shall seek alternative options to preserve desirable trees. When trees must be removed it shall be the responsibility of the city to remove any trees. Any trees so removed shall be replaced at the city's expense with acceptable trees from the master tree list. When a property owner designs a new sidewalk, curb or driveway approach, the property owner shall seek alternative options to preserve desirable trees. When trees must be removed it shall be at the expense of the property owner. Any trees so removed shall be replaced by the property owner with acceptable trees from the master tree list. (Ord. 1392 § 1 (part), 2001)

12.24.160 Tree service contractors.

When the city requires tree pruning, any tree service contractor performing the work shall have on its staff an arborist certified by the Western Chapter of the International Society of Arboriculture. This arborist must oversee all pruning work and certify that all work meets the city's pruning specifications. If a certified arborist is not on the staff of the tree contractor, the city arborist must approve the tree service contractor before work begins. (Ord. 1392 § 1 (part), 2001)

12.24.170 Emergency tree services.

The city will provide on-call tree services in emergencies. Emergencies include fallen trees and other immediate safety hazards. The director shall determine if an emergency exists. (Ord. 1392 § 1 (part), 2001)

12.24.180 Tree removal.

A. Policy. The city values trees as an important part of the environment and shall strive to preserve them whenever possible and feasible. When reviewing requests for tree removal permits, the city shall discourage removing desirable trees and shall consider approving removal of desirable trees only as a last resort alternative for the applicant.

B. Permits for Removal. Except as otherwise provided in this chapter, removing any tree in the city shall require a permit.

C. Tree Removal Not Related to Property Development.

1. When not related to property development, removing a tree in all zones except the R-1 and R-2 zones shall require a permit issued by the public works department.

2. When not related to property development, removing a tree in the R-1 and R-2 zones shall require a permit issued by the public works department in any of the following circumstances:

a. When the tree is one of the following designated native species:

- (1) *Quercus agrifolia* (coast live oak),
- (2) *Umbellularia californica* (California laurel),
- (3) *Platanus racemosa* (California sycamore),
- (4) *Juglans californica* (Southern California black walnut),
- (5) *Salix lasiolepis* (willow),
- (6) *Populus trichocarpa* (black cottonwood),
- (7) *Heteromeles arbutifolia* (California hollytoyon),
- (8) *Acer macrophyllum* (bigleaf maple),
- (9) *Acer negundo* (box elder),
- (10) *Sequoia sempervirens* (coast redwood);

b. When the tree is a native and the trunk is twelve inches or greater in diameter at a height of four and one-half feet from the ground and is visible from any public space or a non-native with a trunk diameter of twenty-four inches or greater;

c. When the tree is within twenty-five feet of a creek bank;

d. When the tree is on a vacant lot or a lot not developed to the maximum allowed density;

e. When the tree is located in the planting area.

3. An application for a tree removal permit issued by the public works department shall include:

- a. A plot plan showing the location and species of any tree proposed for removal;
- b. A brief statement of the reason for removal;
- c. Any other pertinent information required.

4. An applicant for a tree removal permit issued by the public works department should request a site review by the city arborist before preparing a detailed plot plan.

5. When tree removal is not related to property development, the city arborist may authorize a tree removal after finding any of the following circumstances:

a. The tree is a hazard to life or property, and removing it is the only feasible way to eliminate the hazard;

b. The tree is dead or dying or damaged beyond reclamation;

c. The tree is causing severe root damage to public or private property, and removing the tree is the only feasible way to eliminate the damage.

6. When the city arborist cannot authorize a tree removal, the tree committee shall review the application and may authorize removal if it finds one of the following circumstances:

- a. The tree is causing undue hardship to the property owner. Normal routine maintenance does not constitute a hardship, i.e., cleaning of gutters, leaf raking, or root intrusion into a failed sewer lateral, etc.;
 - b. Removing the tree promotes good arboricultural practice;
 - c. Removing the tree will not harm the character or environment of the surrounding neighborhood.
- D. Tree Removal with a Development Permit.

1. To remove a tree from any parcel in the city as part of property development by subdivision, building permit or other entitlement, the developer shall apply to remove the tree by including the following documents with the application for development:

- a. A plot plan showing the location and species of any tree proposed for removal;
- b. A brief statement of the reason for removal;
- c. Any other pertinent information required.

2. Review of the application to remove a tree with a development permit shall proceed as follows:

a. The city arborist shall inspect the property and recommend approving or denying the application;

b. If no architectural review is required for the development, the tree committee shall approve or deny the application;

c. If architectural review is required for the development, the architectural review commission shall approve or deny the application:

(1) If the city arborist has recommended denying the application and the architectural review commission has approved the application, the tree committee shall review the architectural review commission's decision;

(2) If the tree committee concurs with the city arborist's recommendation to deny the application when the architectural review commission has approved the application, the city council shall review the matter for final action.

E. Tree Removal on Public Property.

1. When the city removes a tree as part of a public improvement project, the city shall replace the trees as soon as feasible during the project.

2. When the city requires a tree to be planted in the planting area and then later determines that the tree must be removed, the city shall pay for removal and replacement.

F. Notification of Tree Removal.

1. The city shall post a sign notifying the public of the date and description of a proposed tree removal. This sign shall be posted in a prominent location, visible from a public street, for a period not less than five days before either staff consideration of a tree removal permit or a public hearing on a related development.

2. The public works director may waive notification requirements for a tree removal in either of the following circumstances:

- a. When the director determines that a tree's condition threatens public health, safety or welfare;
- b. When local, state or federal authorities have declared a state of emergency and a tree's condition threatens public health, safety or welfare.

G. Approval Conditions. In approving an application for tree removal, the director, the tree committee, the architectural review commission or the city council may require planting replacement trees and may require a bond ensuring that replacement trees shall be planted.

H. Expiration of Appeals. Decisions on tree removal by the director, the tree committee and the architectural review commission shall be subject to appeal according to the appeal provisions of this code, and no permit shall be issued until the appeal period has lapsed. (Ord. 1392 § 1 (part), 2001)

12.24.190 Heritage trees.

The city recognizes the important role trees have played in the history and development of San Luis Obispo and recognizes that a wide variety of trees can grow in its unique and temperate climate. The city may officially designate as heritage trees those trees in the community that have significant historical or arboricultural interest. The city shall protect and maintain all designated heritage trees. Heritage trees shall be pruned according to a schedule approved by the public works director. All interim maintenance shall be the responsibility of the property owner. (Ord. 1392 § 1 (part), 2001)

12.24.200 Appeals.

A. In accordance with the provisions of Chapter 1.20, any person aggrieved by an act or determination of the staff in exercising the authority herein granted shall have the right to appeal to the tree committee, whose decisions are appealable to the city council.

B. Appeals received by the city within ten calendar days from the date of determination or act shall cause the public works director to withhold tree removal permits and stop any construction or demolition activity affecting the subject tree until the appeal is heard and a decision is reached. (Ord. 1489 § 1, 2006; Ord. 1392 § 1 (part), 2001)

12.24.210 No liability upon the city.

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, nor to relieve the owner or occupant of any private property from the duty to keep in safe condition any trees and shrubs upon that private property or upon sidewalks and planting areas in front of that property. (Ord. 1392 § 1 (part), 2001)