

CHAPTER 9.16
STREET TREES AND TREE PROTECTION

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9.16.010 TITLE:

This chapter shall hereafter be referred to and cited as the STREET TREE AND TREE PROTECTION ORDINANCE of the city. (1972 Code § 12.12.010)

9.16.020 ENFORCING AUTHORITY:

The superintendent of public works or his duly authorized representative shall be charged with the enforcement of this chapter. (1972 Code § 12.12.020)

9.16.030 PLANTING OR REMOVAL; PERMISSION REQUIRED:

No trees or shrubs shall hereafter be planted in or removed from any public parking strip or other public property in the city without permission from the superintendent of public works. (1972 Code § 12.12.030)

9.16.040 APPROVED SPECIES:

A. Trees Enumerated: The following species of trees have been selected and approved as suitable street trees in the city:

Common Name	Latin Name	Named Varietals
Bottle Brush, Weeping	Calistemon viminalis	

Box, Victorian	<i>Pittosporum undulatum</i>	
Callory Pear	<i>Pyrus calleryana</i>	"Aristocrat", "Bradford" and "Capital"
Camphor	<i>Cinnamomum camphora</i>	"Majestic Beauty"
Carob	<i>Ceratonia siliqua</i>	Avoid varieties with pod production
Hawthorne, Indian	<i>Raphiolapsis</i>	"Majestic Beauty"
Ironwood, Catalina	<i>Lyonothamnus florabundus</i>	
Locust, Honey	<i>Gleditsia triacanthos inermis</i>	"Morraine" and "Shademaster"
Loquat, Bronze	<i>Eriobotrya deflexa</i>	"Copper Tone"
Magnolia	<i>Magnolia grandiflora</i>	"Samuel Summers" and "Majestic Beauty"
New Zealand Christmas Tree	<i>Metrosideros tomentosa</i>	
Oak, California Live	<i>Quercus agrifolia</i>	
Oak, Silk	<i>Grevillea robusta</i>	
Pistache, Chinese	<i>Pistacia chinensis</i>	
Tupelo	<i>Nyssa sylvatica</i>	

B. Planting Other Trees; Permit Required: Any person desiring to plant a street tree on a public street or way in the city that is not included on the above list shall first apply for and obtain a written permit to do so from the director of public works, whose determination on the issuance of the permit shall be final. (1972 Code § 12.12.090)

9.16.050 PROHIBITED SPECIES:

A list of approved street trees, as set out in section 9.16.040 of this chapter, shall be maintained at city hall. It is unlawful to plant willow, cottonwood, poplar or eucalyptus trees anywhere in the city unless the superintendent of public works approves the site as one where the tree roots will not interfere with a public sewer, sidewalk, pavement, or street. (1972 Code § 12.12.040)

9.16.060 TRIMMING OR REMOVAL; NOTICE:

A. Noncompliance Deemed Violation: The superintendent of public works or his duly authorized representative may cause to be trimmed, pruned, or removed any trees, shrubs, plants, or vegetation in any parking strip or other public place, or may require any property owner to trim, prune, or remove any trees, shrubs, plants, or vegetation in a parking strip abutting upon the owner's property; and failure to comply therewith after thirty (30) days' notice by the city superintendent of public works shall be deemed a violation of this chapter. (1972 Code § 12.12.050)

B. Dangerous Trees; Removal By City:

1. Any tree or shrub growing in a parking strip or any public place, or in private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer, or sidewalk, is declared to be a public nuisance, and the city may remove or trim such tree, or may require the property owner to remove or trim any such tree on private property, or on a parking strip abutting upon the owner's property.
2. Failure of the property owner to remove or trim such tree after thirty (30) days' notice by the city superintendent of public works shall be deemed a violation of this chapter, and the city superintendent of public works may then remove or trim the tree and assess the costs against the property. (1972 Code § 12.12.060)

9.16.070 APPEAL CITY ORDERS:

A. Filing Notice Of Appeal: Appeals from orders made hereunder may be made by filing written notice thereof with the city superintendent of public works, within ten (10) days after such order is received, stating in substance that appeal is being made from such order to the city council.

B. Present Evidence To Council: The superintendent of public works shall thereupon call such appeal to the attention of the city council at the next regular succeeding meeting, at which meeting the appellant and the superintendent of public works may present evidence. Action taken by the city council after such hearing shall be conclusive. (1972 Code § 12.12.070)

9.16.080 INJURY OR DESTRUCTION PROHIBITED:

It shall be a violation of this chapter to abuse, destroy, or mutilate any tree, shrub, or plant in a public parking strip or any other public place, or to attach or place any rope or wire (other than one to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to come in contact with any such tree, or to allow any

gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves. (1972 Code § 12.12.080)

9.16.090 PROTECTED TREES:

The following trees, when located on properties to which this Ordinance applies shall be Protected Trees:

- A. Trees having a minimum trunk diameter of six inches measured 54” above the ground. When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together.
- B. Street trees or other required trees such as those required as a condition of approval, use permit, or other zoning requirement, regardless of size.
- C. Trees of the following species that have reached a minimum of four inches diameter trunk size:
 - 1. Coast live oak (Quercus agrifolia)
 - 2. Pacific willow (Salix lasiandra ssp. lasiandra)
- D. A tree or trees of any size planted as a replacement for a Protected Tree.

9.16.100 PRESERVATION OF PROTECTED TREES:

Any person who owns, controls, or has custody of any real property within the City shall maintain all Protected Trees located thereon in a state of good health. This includes parcels designated as permanent open space or for recreational purposes.

In order to preserve and protect trees, where a proposed development includes grading and/or construction activities within the canopy of tree or trees, certain preservation and mitigation measures shall be required.

- A. Pre-Construction:
 - 1. An Arborist shall review final grading / demolition / construction plans and make recommendations regarding preservation of all trees potentially impacted by the proposed project, which are designated for preservation.
 - 2. If the Arborist concludes, with concurrence from the Community Development Department, that the proposed improvements will result in damage and subsequent irreversible loss of additional trees on site, replacement mitigation shall be required.
 - 3. Final grading / construction plans shall clearly identify the size and species of all trees proposed for removal, consistent with the arborist plan review report. For each tree designated for removal, replacement shall occur at the replacement ratios stated below.
- B. Tree Protection:

1. Fencing.
 - a. All trees to be retained shall be protected during construction with chain link fencing or other rigid fence enclosure acceptable to the Community Development Department.
 - b. Fenced enclosures for trees to be protected shall be erected at the dripline of trees or as established by the Arborist to establish the Tree Protective Zone (TPZ) in which no soil disturbance is permitted and activities are restricted.
 - c. All trees to be preserved shall be protected with minimum 5-foot high fences. Fences are to be mounted on 2-inch diameter galvanized iron posts, driven into the ground to a depth of at least 2 feet, at no more than 10-foot spacing. This detail shall appear on grading, demolition, and building permit plans.
 - d. Tree fencing shall be erected before any demolition, grading, or construction begins and remain in place until the Final Inspection.
2. Irrigation Program. Irrigate to wet the soil within the TPZ during the dry season as specified by the Project Arborist.
3. Dust Control Program. During periods of extended drought, or grading, the contractor shall spray the trunk, limbs and foliage to remove accumulated construction dust.
4. Soil Compaction Damage/ Mulching. Compaction of the soil causes a significant impact to trees during construction. If compaction to the upper 12-inch soil within the TPZ has occurred or is proposed, then one or more of the following mitigation measures shall be implemented as recommended by the Arborist or the City Community Development Department.
 - a. Four-inches of chip bark mulching shall be placed on top of the TPZ and enclosed with the tree protective fencing.
 - b. If compaction of the root system, may result in possible suffocation of the root system, a soil aeration system shall be installed as designed and specified by an Arborist.
 - c. Paving/Hardscape and other soil compacting material that encroaches within the TPZ, should include an aeration system designed by an Arborist.

9.16.110 REPLACEMENT OF PROTECTED TREES:

- A. The following guidelines shall be imposed as conditions when a proposed development entails removal of trees or may significantly impact the health and vigor of trees within the development area of the proposed project.
- B. All healthy trees six inches in diameter or more (at 4.5 feet above the ground) proposed for removal shall be replaced according to the following ratios:
 - 1. For the removal of one small tree (6- 18 inches): (3) 15 gallon trees, or (2) 24-inch box trees.
 - 2. For the removal of one medium tree (18 – 24 inches): (4) 15 gallon trees or (3) 24-inch box trees.
 - 3. For the removal of a tree larger than 24 inches: (5) 15 gallon trees or (4) 24-inch box trees.
- C. Replacement trees should be native and like for like.
- D. Based on the following variability of factors, tree replacement ratios may vary for each project. Tree replacement can be dependent upon the size of the canopy of removed trees, number of trees, size of trees, type of trees, and steepness of slope of trees to be removed; or amount of room available on a parcel in which trees can be planted. On properties where there is limited room to plant replacement trees, fewer replacement trees or off-site planting in lieu may be authorized.