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Article 2: Public Rights-of-Way and Land Development

**Division 6: Street Planting
and Protection**

(“Street Planting” added 11-27-1956 by O-7229 N.S.)

§62.0600 Purpose and Intent

It is the purpose and intent of the Council to establish rules and regulations for the health, safety, welfare, and quality of life of the current and future generations of residents of the city through the protection, maintenance, removal, and replanting of trees in our Community Forest. ~~to control and protect planting on City streets.~~

(“Purpose and Intent” added 3-12-1964 by O-8980 N.S.)

§62.0601 Planting on City Streets — Definition

For the purpose of this Section and Subsections thereof, the word “street” is hereby defined to be any public street, public way, public alley, public lane or parkway upon or along any public street or public way.

(Renumbered from Sec. 62.13 on 11-27-1956 by O-7229 N.S.)

§62.0602 Jurisdiction and Authority

The ~~Park and Recreation Department~~City Forester or his or her representative shall exercise jurisdiction and control over the protection, planting, maintenance, ~~care~~ and removal of trees, palms, shrubs and ~~or~~ plants in all streets or other public rights of way of The City of San Diego, and shall have such power, authority, jurisdiction and duties as are prescribed in this Division.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0603 ~~Same~~—Approval Required for Planting

No tree, palm, shrub or plant shall be planted in any of ~~The the~~ streets or other public highways of The City of San Diego until the ~~Park and Recreation Director~~City Forester shall have first approved the type, species, size and kind ~~and variety~~, ~~designated the location therefor~~, and granted the permit for planting the same.

Selection and location of trees to be planted shall be guided by the Street Tree Selection Guide, by street tree maps in Community Plans, and standards and criteria in the Landscape Technical Manual.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0604 ~~Same~~—~~Removal of Planting~~Tree Removal and Maintenance Prohibited Without Permit ~~Prohibited~~

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No person, firm or corporation shall, without a permit from the ~~Park and Recreation Director, City Forester~~ remove, destroy, break, cut, trim, deface, or in any other way injure or interfere with any tree, palm, shrub or plant, or endanger the life of any such tree, palm, or shrub or plant that is now or may hereafter be growing in any street or other public highway of the City of San Diego.

Such permit shall specifically describe the work to be done thereunder, and such permit shall be void after thirty (30) days from the date of issuance.

~~The cost or removal of any tree, palm, shrub or plant for the benefit or convenience of the property owner shall be paid for by such property owner.~~

(Renumbered from Sec. 62.13.3 on 11-27-1956 by O-7229 N.S.)

§62.0605

~~Same — Fastening Animals to Trees, Etc. — Prohibited~~
Permit Application

Application for tree planting, pruning, and removal must be submitted to the City Forester, by email, mail, or online. No fees will be charged for such permits. Each permit to plant a street tree shall contain the following information:

- a) Name of permit applicant;
- b) Time period in which to complete the action specified or required in the permit;
- c) Type and species of street tree to be purchased by permittee, at permittee's expense, to be planted; and
- d) Location for planting the street tree.

The City Forester MAY require that the application be accompanied by:

- a) A report from certified arborist;
- b) A site map indicating existing property lines, streets and sidewalks, easements, driveways, buildings and structures, and location of nearby trees;
- c) A landscape or tree planting plan;
- d) A tree protection plan;
- e) Proof of compliance with ANSI 300 standards and any applicable California Contractors State License Board licensing requirements;
- f) Authorization of the property owner;
- g) A tree replacement plan if the applicant proposes to remove a city tree or private protected tree; and
- h) Any other information the City Forester determines to be necessary.

§62.0606

~~Attaching Rope, Wire, Etc. — Detrimental Substance — Prohibited~~
Permit Authorization

The City Forester shall authorize work or issue a permit to remove a street tree only if an application is submitted and at least one of the following criteria is met:

- a) The street tree is dead or in a hazardous condition or imminently hazardous condition.

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- b) The type, species, or location of the street tree is in conflict with a community forest master plan adopted by the city council or the provisions of this code.
- c) The street tree interferes with overhead power lines and the interference cannot be corrected by topping the street tree.
- d) The street tree has caused extensive concrete damage and the concrete has been replaced more than once in the preceding ten years.
- e) The street tree causes extensive conflict with sewer lines or other infrastructure that cannot be resolved by any other reasonable means.

§62.0607

Penalties for Unauthorized Tree Work or Removal
~~Same — Removal, Injury of Guard Device — Prohibited~~

The City Forester, horticulturist, code enforcement officer or designee shall be authorized to issue citations and recommend enforcement actions be taken for violations of this code.

- a) Criminal Penalty. Any person violating any provision of this Code, including any regulation lawfully promulgated pursuant to this Code, shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.
- b) Civil Action. The City Attorney may enforce the provisions of this Chapter by means of a civil action.
- c) Restitution - In any case involving the destruction, defacing, removal or injury to any public tree, the court may require restitution in an amount necessary to reimburse the City for the value of the items or material destroyed, defaced, removed or damaged as well as any labor necessary to replant, restore, and cultivate the area, item or material affected.
- d) Valuation. In terms of tree value, the restitution amount shall be equal or greater to the value of the affected tree(s) as determined by the City using the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

(Renumbered from Sec. 62.13.6 on 11-27-1956 by O-7229 N.S.)

§62.0608

Tree Damage
~~Same — Attaching Electric Devices — Prohibited~~

No person shall fasten any animal, bicycle, sign, wire, cable, rope, nail, screw, staple, or other injurious material to a tree. Any lights installed seasonally on the trunk or branches of the tree must not remain year-round.

No person shall allow any liquid, oil, pesticide, or other substance detrimental to tree life to leak, pour, or drip upon any tree within the City street rights-of-way.

Unless authorized by permit, no person shall

- a) Plant, prune, remove, top, or in any way damage, destroy, injure or mutilate a street tree

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- b) Place concrete, bricks, other pavement, or material that impedes the free access of air and water to the roots of a tree within the city street rights-of-way
- c) Remove, injure or misuse any guard or device placed to protect any tree, or palm
- d) Excavate soil, a ditch, or tunnel within a distance to the tree trunk of less than 1.0 ~~1.25~~ feet for every inch of trunk diameter.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0609 ~~Same~~—Open Space of Ground Around Tree — Required

No person, firm or corporation shall hereafter, without the written permit of the ~~Park and Recreation Director~~City Forester, place or maintain upon the ground in any street or other public highway of The City of San Diego, stone, brick, cement or other material without leaving an open space of ground not less than ten (10) four (4) square feet around the trunk of any tree of six (6) inches or less in diameter, and for every three (3) inches of increase in such diameter there must be an increase of at least four (4) one (1) square foot of open ground; and whenever there is no such open space about any existing tree in any street or other public highway of The City of San Diego, the ~~Park and Recreation Director~~City Forester may make such open space or cause the same to be made.

(Amended 3-12-1964 by O-8980 N.S.)

§62.0610 Same —~~Alteration, Moving, Etc., of Building~~—Safeguarding Trees During Construction

~~In the erection, alteration, moving or repair of any building, structure or other object, the owner thereof, or his agent, shall place, or cause to be placed such guards around all nearby trees in the street or other public highway of The City of San Diego as shall effectually prevent injury to them.~~

No person, firm, or corporation shall engage in any construction work on private or public property without first taking steps to protect street trees and Heritage trees from damage, including, but not limited to damage caused by soil compaction, contamination, excavation, placement of concrete or other paving material, and parking or driving vehicles and equipment under trees.

(Renumbered from Sec. 62.13.9 on 11-27-1956 by O-7229 N.S.)

§62.0611 ~~Same~~—Owners of Premises Required -to Trim Branches

The owner, or his agent, of every lot or parcel of land in the City of San Diego, ~~upon which trees, palms, shrubs or plants are now or may hereafter be standing~~, shall trim, or cause to be trimmed, the branches of trees, palms, shrubs or other plants thereof in accordance with standards adopted by the City Council and set forth in the ~~document entitled, "City of San Diego Landscape Technical Manual"~~ (Section 8) on file in the office of the City Clerk.

The trees, shrubs and palms shall be trimmed so that there is a clearance of at least fourteen (14) feet above any street or alley and at least eight (8) feet above any sidewalk; and the trimming provides for ~~re~~ is an unobstructed view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device.

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The City of San Diego shall have the same duties enumerated in this section in regard to any trees, palms, shrubs or plants intruding onto private property that are now or may be found standing in any public street or public right of way within the City of San Diego. (Amended 10-16-1989 by O-17366 N.S.)

§62.0612 ~~Same~~—Interference with Employee — Prohibited

No person, firm or corporation shall prevent, delay or interfere with any employee ~~of the Park and Recreation Department~~ contractor of the City, in the planting, pruning, cultivating, spraying or removal of any tree, palm, shrub or plant ~~which is now or may hereafter be~~ growing in any street or other public highway in The City of San Diego, or in the removal of stone, cement or other material from about the trunk of any tree, palm, shrub or plant which is now or may hereafter be growing in any street or other public highway of The City of San Diego. (Amended 3-12-1964 by O-8980 N.S.)

§62.0613 ~~Same~~—Notice of Damage by Property Owner to ~~Park and Recreation Director~~City Forester

The duty is hereby imposed upon a property owner to notify the ~~Park and Recreation Director~~City Forester when any tree, palm, shrub or plant in a public street adjacent to his property is injuring or damaging any public sidewalk. The ~~Park and Recreation Director~~City Forester is hereby authorized to assess the condition and risk of the tree, palm, or shrub. Repair or replacement of sidewalk, Ppruning, other tree maintenance, or removal would be done have removed, at the expense of The City of San Diego, ~~such tree, palm, shrub or plant or to otherwise remedy the dangerous condition.~~ (Renumbered from Sec. 62.13.12 on 11-27-1956 by O-7229 N.S.)

§62.0614 ~~Same~~—~~Uniform~~ Street Planting Guidances Map

The City Forester, or designee, shall specify or approve the species and locations of trees to be planted in the street rights-of-way in accordance with the standards and criteria in the City’s Landscape Technical Manual., and shall also consider community plans and input from adjacent property owners requesting trees be planted.

The City Forester shall develop and make publicly available a Street Tree Selection Guide for trees and palms, that considers size of trees for available planting space, low and medium water requirements, susceptibility to pests and diseases, and other attributes that contribute to street tree health and maintenance. ~~The Park and Recreation Director shall~~City Forester shall, from time to time prepare plans which shall designate, by means of a complete map of the City Streets guidance on a uniform method of street tree planting, zoning certain streets for a certain specimen of tree or trees, and shrub or shrubs, showing the distance apart of said trees or shrubs, and the place where each tree or shrub is to be planted.; ~~and the Park and Recreation Director shall submit this plan to the park and Recreation Department and the City Manager for their approval or modification. After the same has been approved by the Park and Recreation Department and the City Manager, the~~

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~~same shall be submitted to the City Council of the City of San Diego for modification or adoption by that body.~~

~~City Forester shall work with City staff in the Planning Department and with the public to prepare street tree maps and guidance in the Community Plans. If, and when, each community the uniform plan in its original or modified form is adopted by the City Council, it shall become the tree planting plan for the streets of The City of San Diego that community and shall be followed strictly adhered to in all future street planting improvement projects and in the removal and replacement of trees, shrubs and plants on streets in the City. The uniform plan of tree planting may, but need not, be adopted by the City Council at one time, but the Council may adopt the uniform street tree planting for different portions of the City within a reasonable length of time after the completed plan for any particular portion of the City has been submitted to the City Council.~~

~~The Park and Recreation Director shall have copies of this plan made and the same shall be kept on file in the office of the Park and Recreation Department and may be obtained by the public.~~

~~(Amended 3-12-1964 by O-8980 N.S.)~~

§62.0615 Tree Inventories ~~Permits~~

~~The City Forester shall develop plans for and implement inventories of public and private trees within the City. These inventories shall consider available remotely-sensed and other data, information technologies, analysis methods, visual displays, and online public access. Individual Tree inventories shall be conducted and updated regularly, and data shall be archived and accessed through the City's an information asset management system.~~

~~Applications for permits will be made to the Park and Recreation Department. Applicant must present, along with the application, a plan indicating the exact desired locations of trees to be planted. No fees will be charged for such permits.~~

~~(Amended 3-12-1964 by O-8980 N.S.)~~

§62.0616 Property Owners' Performance Bonds

~~(a) No bond or surety will be required except in the following cases:-~~

- ~~(1) When it is necessary to cut a sidewalk to plant a tree.~~
- ~~(2) When it is necessary to relocate utilities and/or underground structures in digging a hole for the tree.~~
- ~~(3) In other special cases involving possible damage to City or private property as determined by the Park and Recreation Director.~~

~~(b) The City Forester may determine that a bond or surety is required for work done by a property owner under a permit. When it is determined by the Park and Recreation~~

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~~Director~~City Forester that a bond or surety is required, the applicant for a street tree planting permit shall furnish a cash deposit or a surety bond to ensure performance of the conditions of his permit. This surety shall be in an amount which, in the opinion of the ~~Park and Recreation Director~~City Forester, is sufficient to ensure performance, but in any event, no less than ~~Three Hundred Dollars~~Two Thousand Dollars (\$~~300~~2,000.00). Any cash deposit shall be held by the City Treasurer. If the ~~Park and Recreation Director~~City Forester finds that the conditions of the permit have not been met, he shall notify the property owner in writing of such default and the time deemed necessary to correct it. If the property owner fails to correct the default within the established time, the ~~Park and Recreation Director~~City Forester may use all or any part of the property owner's deposit to complete the work satisfactorily. The property owner shall be provided with an accounting for such expenditures. The deposit, or any remaining balance, shall be refunded upon acceptance of the work by the ~~Park and Recreation Director~~City Forester. If the property owner has posted a surety bond, the provisions of Section 62.0202 shall apply except that wherein the words "City Engineer" are used, substitute the words "~~Park and Recreation Director~~City Forester." (Amended 3-12-1964 by O-8980 N.S.)

§62.0617 Street Tree Maintenance and Watering

After planting of a tree or palm in the street right-of-way, the owner of the adjacent property shall be responsible for watering unless an assessment district has been formed to provide the required landscape maintenance.

Trees shall be watered to ensure survival of young trees, provide deep infrequent watering of mature trees each month in the summer and in other months when there is no rainfall or extremely hot or windy conditions, and follow City watering restrictions that require trees and shrubs to be watered even during drought conditions.

The City Forester shall be responsible for trimming street trees and palms as required for public safety unless an assessment district has been formed to provide the required landscape maintenance. Property owners and occupants of parcels that abut a street rights-of-way, may at their own discretion and cost, obtain a permit for a licensed contractor to perform necessary street tree maintenance according to provisions of this code.

For purposes of this section, maintenance of street trees, palms and shrubs includes, but is not limited to: watering, pruning, fertilizing, pest control, removal of branches, leaves, and other debris, weed abatement, and protection of the critical root zone. All maintenance shall be completed in accordance with the American National Standard Institute (ANSI).

§62.0618 Street Tree Removal

Street trees shall may be removed at public expense if they meet any one of the following criteria:

- a) The tree is dead.

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- b) The tree is determined to be a public safety risk, based on tree risk assessment. ~~a-hazard.~~
- c) The tree is damaging public improvements, and the damage cannot be permanently corrected by sidewalk replacement or modification, or tree trimming or root pruning, ~~and the owner of the fronting property requests removal.~~
- d) The tree has caused extensive concrete damage and the concrete has been replaced more than once in the preceding ten years.
- e) The street tree causes extensive conflict with sewer lines or other infrastructure that cannot be resolved by any other reasonable means.

§62.0619 Treatment and Removal of Infected and Infested Trees

If any tree, palm or shrub in any street is infected or infested with any insect or disease detrimental to the growth, health or life of street or park trees, palms or shrubs, the City Forester may remove or control such infection or infestation. If the infection or infestation is such that it cannot be removed or controlled, then such tree, palm or shrub may be removed and destroyed, if in the judgment of the City Forester, such disposition is deemed to be in the public interest.

~~It~~For trees on private property, it shall be the responsibility of any person having trees, shrubs, plants, grass or other vegetation growing on his property abutting public places to treat or remove any tree or plant so diseased or insect infected as to constitute a hazard to trees or plants in public places. The City Forester shall have the authority to require property owners to take such action as is necessary to control insects, scales, parasites, fungus, and other injurious pests or diseases that would cause serious injury to street trees and other plant material within the City. The City Forester shall notify the property owner in writing, describing the conditions and stating the control necessary for correction, and establishing a reasonable time within which the required steps shall be taken.

§62.0620 Criteria and Categories of Protected Trees

The City Forester, with guidance from the Community Forestry Advisory Board, shall have the authority and responsibility to develop and maintain a list of Heritage Trees and/or Groves in the City. These trees shall be identified, mapped and recorded.

All public trees within the City of San Diego that are classified as trees (defined as having a single trunk or can be trained into distinctive multi-trunks versus branches) and that have a caliper of at least 8” measured at 4 feet above the ground surface, shall be considered as potentially qualifying under this tree protection policy. The size of the tree caliper does not guarantee its qualification under this policy, though it does require that the tree be evaluated for consideration once nominated.

Nominations shall be submitted to the Community Forest Advisory Board, who will

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consider any input from community members and the applicable Community Planning Group, assess the importance of the nominated tree or trees to the community, and recommend protection status. The City Forester shall designate the tree or trees as protected.

Tree protection designation can be made in one of four categories.

- a) Landmark Tree. Trees that are unusual or have a very high aesthetic quality. A Landmark tree is unusual due to: large size obtained for that species; special and intact aesthetic form; unusual shape not normally seen in most trees; very interesting flowers and/or branching patterns; or being a species of tree that rarely occurs in the City. ~~The intent of this category is to recognize unusual trees that have achieved a landmark status and not to apply this category to a broad number of trees.~~
- b) Heritage Tree. Trees that are naturally occurring or have been planted, qualify under this category if they are 50 years or older or have a connection to some historic event, building, district or were planted by a historically significant individual. Specific proof of age may be difficult to ascertain but research using aerial photographs or estimating based on the age of the adjacent development or ~~the estimating based on the size of the tree~~ can be adequate for this designation.
- c) Parkway Resource Tree. Planted groups of trees in public rights-of-way, public parking lots or trails with a consistent design theme, are considered to be parkway tree resources when their overall size, health and form are relatively consistent. A consistent design theme usually requires that more than 50% of the parcels per block contain the same tree or ~~Groups of different species that provide a consistent canopy over a portion of a street should be considered as parkway resource trees as well.~~
- d) Preservation Grove. Naturally occurring trees in public right-of-way, open space, designated Environmentally Sensitive Lands or parkland may be considered Preservation groves. A grove consists of at least six (6) trees grouped in close proximity (within a one-quarter (1/4)-acre area) with trunks closer together than 100 feet that are of the same species or are very similar in form. The trees shall be native, naturalized or endemic and surviving without intervention or supplemental watering.

Non- native or naturalized species found within the following areas listed below, would not be eligible for protection under this Policy, though native trees within these areas may be designated as Preservation Groves:

- a) City-owned designated or dedicated open space containing Multiple Habitat Planning Area (MHPA) lands or Environmentally Sensitive Lands;
- b) City-owned designated or dedicated open space containing other natural areas found to have sensitive or endangered species, or that can be expected to sustain these species with enhancement and management efforts; and
- c) Privately-owned lands meeting the criteria in a. and b. above that have an open space or conservation easement placed on them.

§62.0621 Measures for Protected Trees

Protected trees damaging public or private improvements and utility infrastructure will be assessed by City Forester for correcting damage by trimming, limb supports, root pruning

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and root zone protection, disease control, or other corrective action or adjustment. All street tree work shall be authorized by a permit, done under the guidance of a certified and licensed arborist, and conform to ANSI 300 standards. When the designated tree is in the city street rights-of-way or on public lands administered by the city, as a priority, funds will be expended to allow for an annual inspection, pruning or other corrective actions that may be needed to resolve any particular public safety or sidewalk problem.

The following special conditions will be considered:

- a) Extraordinary measures will be taken to avoid excessive pruning, topping or removals related to line clearance that may be required by the California Public Utilities Commission.
- b) Regardless of sidewalk damage, no action will be taken that will result in the death of the tree. Sidewalk relocation or redesign may be considered.
- c) Roadway widening requirements will avoid damage to trees where possible. When avoidance is not possible, tree protection during construction, tree transplanting or tree replacements will be required.
- d) Environmental review of all projects requiring CEQA documentation will consider the protected status of these trees as a factor in determining potential significant impact to visual quality and community character resources.

No permits will be issued for tree removal unless a clear, imminent and significant public safety hazard exists or if the City Forester, in consideration of any comments received from the Community Forest Advisory Board and informed by a certified arborist’s report and recommendations, determines that protection may not be the appropriate course and the project applicant or adjacent owner has agreed to pay 100% of the assessed value of the tree.

§62.0622 Penalties for Removal or Damage of Protected Trees

Any person who unlawfully vandalizes, mutilates, removes or destroys a designated protected tree shall incur a civil penalty for each such tree so vandalized, mutilated, removed or destroyed within a three-year period, the collection of which shall be enforced by civil action brought in the name of the city by the City Attorney. Fines in the amount of 300% (or up to the maximum amount allowed currently under municipal code) of the assessed value of the tree will be levied for anyone found responsible for such actions. The assessed value will be determined by the City Forester.

Any individual or company found to have caused the topping, excessive pruning or permanent disfigurement of protected trees within the public street rights-of-way or parks will be subject to the same penalty as listed.

All fees, in-lieu fees, permit fees and fines collected under this policy shall be used to fund any replacement trees or other mitigations as deemed appropriate by the City Attorney, or shall be deposited into a tree replacement program administered by the City Forester with review and comments on the uses of these funds provided by the Community Forest Advisory Board.

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