

## City of San Diego, Land Development Code Revisions Protecting Trees During Construction

Currently, there are no requirements for tree protection during construction, in **§142.0400 Land Development Code**. The current code for street trees has one sentence, and a proposed revision would expand and strengthen that.

**Instructions to review group:** Review (in work group) and recommend revisions to street tree code and additions to land development code.

- Consider the provisions from other municipalities (below).
- Consider the detailed contract specifications for Tree and Plant Protection, from the Urban Tree Foundation, [http://urbantree.org/pdf\\_pds/UTF\\_Tree\\_Protection\\_Final\\_Version.pdf](http://urbantree.org/pdf_pds/UTF_Tree_Protection_Final_Version.pdf), in copy provided to the group. The code needs to refer to these concepts, not provide that level of detail.
- Recommend changes to the proposed revision for street trees.
- Draft provisions for the Land Development Code, to protect all trees during construction, if designated on the permit-landscape plan.

**Names of reviewers:** \_\_\_\_\_

Current code, Street Planting and Protection:

**§62.0610 Alteration, Moving, Etc., of Building — Safeguarding Trees**

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.

Proposed revision to Street Planting and Protection:

**§62.0610** It shall be unlawful for any person to engage in any construction work on private or public property without first taking steps to protect street trees, including, but not limited to damage caused by soil compaction, contamination, excavation or placement of concrete or other paving material.

Prior to issuance of a building permit, all trees on the site and adjacent to the site shall be inventoried by the owner or contractor as to size, species and location on the lot, and the inventory shall be submitted on a topographical map to the Director of Development Services Department of representative of. The applicant shall also submit a tree protection plan to the Director of Development Services or representative of for review and approval.

Under no circumstances shall construction equipment, vehicles or materials be stored, parked or driven within tree dripline. Wires, signs and other similar items shall not be attached to trees. Tree roots greater than two (2) inches in diameter shall not be removed without consent and possible supervision of the City Forester or representatives of.

### CODES IN OTHER MUNICIPALITIES

#### BURBANK

7-4-111: REMOVAL FOR THE PURPOSE OF CONSTRUCTION:

A. Street Trees: Any street tree requested by any person or property owner to be removed for the purpose of any type of construction shall be replaced with a tree of the nearest size available, of a species and in the location to be determined by the Director. The person or property owner shall pay the total cost to the City of removal prior to any such action being undertaken. If such tree, or trees, are not replaced, the City shall be reimbursed the value of the tree as established in Section 7-4-105 of this article, in addition to the cost to the City of removal. The provisions of this section requiring payment of the cost of removal and replacement or reimbursement to the City shall not apply to property located in an R-1 single-family

residential zone.

B. Private Trees: Any tree removed for the purpose of any type of construction in accordance with subsection 10-1-1113S of this code shall be replaced with a tree of equal size, of the same species or an appropriate alternative, and in a location to be approved by the Park, Recreation and Community Services Director and the Community Development Director. Alternately, the City shall be reimbursed the value of the trees, pursuant to this section and Section 7-4-105 of this article; or, the project's landscaping shall be improved above what is required by subsection 10-1-1113E of this code, and in an amount equal to the value of the removed trees, or if the excess landscaping does not equal the value of the removed trees, then a fee for the shortfall shall be paid to the City; or, the tree(s) shall be moved elsewhere to the satisfaction of the Park, Recreation and Community Services Director; or a combination of moving or replacing the trees pursuant to Section 7-4-105 and this section shall be followed. The fees obtained from private development will be placed in the Urban Reforestation Fund which will be devoted to the replacement of City trees.

### **SAN JOSE**

13.32.130 - Safeguarding trees during construction.

For the purpose of safeguarding trees during construction, all of the following conditions shall apply to all such trees except for trees for which a tree removal permit has been issued or which are required to be removed pursuant to Chapter 13.28:

- A. Prior to the issuance of any approval or permit for the construction of any improvement on the building site, all trees on the site shall be inventoried by the owner or contractor as to size, species and location on the lot and the inventory shall be submitted on a topographical map to the director; and
- B. Damage to any tree during construction shall be immediately reported by a person causing the damage, the responsible contractor, or the owner to the director, and the contractor and/or owner shall treat the tree for damage in the manner specified by the city arborist; and
- C. No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline; and
- D. Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and
- E. Wires, signs and other similar items shall not be attached to trees; and
- F. Cutting and filling around the base of trees shall be done only after consultation with the city arborist and then only to the extent authorized by the city arborist; and
- G. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and
- H. Barricades shall be constructed around the trunks of trees as directed by the director so as to prevent injury to trees making them susceptible to disease causing organisms; and
- I. Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

### **SANTA MONICA**

7.40.160 Protection of trees.

During the erection, repair, alteration or removal of any building, house, or structure in the City, any person in charge of such work shall protect any tree, shrub or plant in any street, sidewalk, parkway, alley or other public property within the City in the vicinity of such building or structure with sufficient guards or protectors as to prevent injury to said tree, shrub or plant arising out of or by reason of said erection, repair, alteration or removal. The Director may promulgate regulations detailing the scope of protections necessary to achieve the purpose of this Section.