

# CITY OF SAN JOSE

## *TREE POLICY MANUAL & RECOMMENDED BEST PRACTICES*



## Acknowledgements:



The *City of San Jose Tree Policy Manual and Recommended Best Management Practices* is a collaborative effort of the **Community Forest Management Team**, a multi-departmental team of City staff members from the various departments that have oversight of trees within the City of San José.

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**The purpose of the City of San Jose Tree Policy and Recommended Best Management Practices Manual is to define responsibilities for tree management within the City of San Jose and to provide guidelines and current recommended Best Management Practices to City staff, residents and others who provide services to the Community Forest in the City of San Jose.**

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# CHAPTER 1

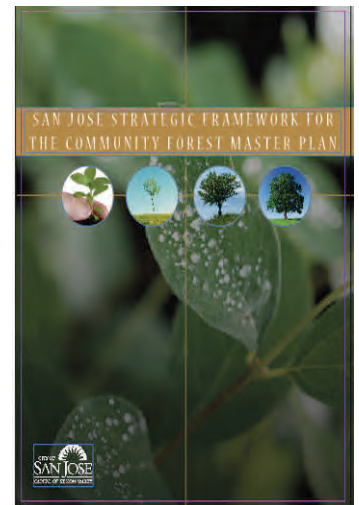
## City of San Jose Tree Care and Management

### Our City, Our Community Forest

The tree canopy in the City of San José is a valuable and precious asset that enhances the quality of life in this City. It is the duty of the City and its residents to protect and support the growth of the tree canopy so that it remains a viable asset for future generations.



The community forest is the only infrastructure asset that continually increases in its value and its benefits to the community. The City of San José recognizes that the community forest is not a self-renewable asset, but that it requires human intervention to preserve, protect and enhance. Our stewardship responsibilities include partnering with, and educating, the community and regional stakeholders, to provide thoughtful tree management, based on developing a knowledge-based, insightful decision-making process. As the local government, it is our responsibility to foster and develop this vision of a community forest for every resident of San José and the surrounding communities that depend on us.



The City of San José is committed to promoting the growth and care of its Community Forest. The Community Forest is made up of trees on private property, trees in parks and other open spaces, and approximately 243,000 street trees that are primarily located in park strips and median islands throughout the City.

The City has chosen to use the term “Community Forest” rather than the more common “Urban Forest” in recognition of the diversity of our City, which ranges from urban to semi-rural neighborhoods. It also reflects the City’s philosophy of actively engaging the community in defining and growing our City.



Three primary goals for the Community Forest Program have been established in the *Strategic Framework* for the San Jose Community Forest Master Plan (2010):



**Grow** Protect, Preserve, Restore and Expand San Jose’s Community Forest.

A healthy community forest helps to enhance the City’s quality of life, protect public health, encourage economic vitality and promote environmental sustainability.



**Engage** Develop and Maintain Support for the Community Forest.

The more informed and engaged the public and City staff are in growing and sustaining the community forest, the more the forest will flourish and be viewed as an asset by the entire community.



**Equity** Manage the Community Forest to Maximize Benefits for All Residents of the City.

Resources should be allocated equitably and appropriately so that all residents of San José can realize the benefits of a thriving community forest to the greatest extent possible.



The purpose of the City of San Jose Community Tree Policy Manual & Best Management Practices is to define responsibilities for tree management within the City of San Jose and to provide guidelines and current recommended Best Management Practices to City staff, residents and others who provide services to the Community Forest in the City of San Jose.

## Our Community Forest Asset

Our community Forest consistently provides a return on our investment in this infrastructure asset. Community Forest is always growing. Trees increase in value over time. Recent scientific research across the United States and around the globe provides solid data proving that trees provide a vast array of benefits which include: monetary, physical, psychological, emotional, environmental, ecological, and social benefits. The community forest improves and enhances the quality of life for those who work, live and play in the City of San José.



## Good Return on Our Investment

### 1. Trees clean the air

Trees absorb and trap airborne air pollutants and particulate matter. Trees reduce wind speed which allows more particulates to settle out of the air. Researchers calculated that trees in the Chicago area removed 15 metric tons of carbon monoxide, 84 tons of sulfur dioxide, 89 tons of nitrogen oxide, 191 tons of ozone, and 212 tons of small particulate matter. The trees saved over \$9 million for the greater Chicago area in pollution removal costs. (Norwak 1994) Visit the [California EPA website](#) for more information on Trees and Air Quality.

### 2. Trees provide energy savings

Trees cool the air by providing direct shade and releasing water in the form of vapor. Trees placed strategically around a conventional home have been found to cut energy use by up to 25 percent. (Heisler, 1986)

Scientific data show that shade from trees planted in strategic locations reduce energy consumption. In California it is estimated that 50 million shade trees could eliminate the need for seven 100-megawatt power plants. (McPherson and Simpson, 2001)

Large trees provide the greatest benefits. Average annual benefits over 40 years increase with mature tree size:

- \$41 to \$51 for a small tree (18 ft tall 20 years after planting)
- \$57 to \$71 for a medium tree (22 ft tall 20 years after planting)
- \$115 to \$135 for a large tree (34 ft tall 20 years after planting)
- \$161 to \$176 for a conifer (38 ft tall 20 years after planting)

[Northern California Community Coast Tree Guide](#)

McPherson, et al.

### 3. Trees combat the urban heat island effect

According to the US Environmental Protection Agency (EPA) trees are a solution to the urban heat island effect.

“The term "heat island" describes built up areas that are hotter than nearby rural areas. The annual mean air temperature of a city with 1 million people or more can be 1.8–5.4°F (1–3° C) warmer than its surroundings. In the evening, the difference can be as high as 22°F (12°C). Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat-related illness and mortality, and water quality.” (EPA, May 2011)

Read about how to strategically place trees around your home or business to mitigate the harmful heat island effects in [Reducing Urban Heat Islands](#).

### 4. Trees provide oxygen

Through the process of photosynthesis, trees produce oxygen. On a daily basis, 1 acre of trees can provide enough oxygen for 18 people. (Coder, 1996)

### 5. Trees help prevent flooding

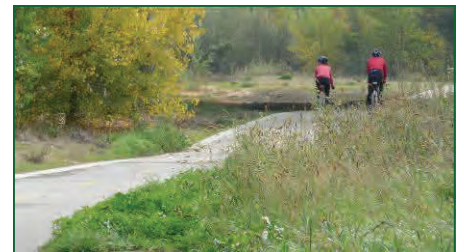
Trees capture, absorb, and slow down rainfall and stormwater runoff, thereby reducing the total amount of runoff and spreading the flow of water from storm events over a longer period of time (delaying peak flow). Without trees, cities would be more vulnerable to flooding and would need to spend more on heavily engineered stormwater drainage and sewage systems to cope with increased runoff.

### 6. Trees clean contaminated soil

The US Department of Agriculture is conducting research to use trees to clean up contaminated soils. This process is “phytoremediation”. Dr. Joel Burken of the University of Missouri is a leader in this field of study. His research shows a great monetary and environmental advantage to using trees to clean up soils. Learn more at [Science Daily](#).

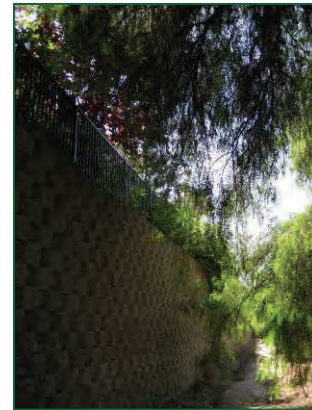
The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day.”

*U.S. Department of Agriculture*



## 7. Trees prevent soil erosion

Wind, rainfall and stormwater runoff cause soil erosion. Tree roots hold soil in place and increase the ability of the soil to accept water. Tree leaves reduce the wind and decrease the force of the rain as it hits the ground. By providing these benefits the cost for cities to process and clean sediment from stormwater is greatly reduced.



## 8. Trees provide protection from skin cancer

Skin cancer is the most common form of cancer in the United States. [Purdue University](#) researchers can now calculate the amount of sun protection shade trees provide. More shade trees, especially in urban areas, will help to prevent skin cancer and reduce health care costs.

## 9. Trees protect our roadways

Trees shade and protect asphalt pavement and extend the longevity of the road bed. A study of street pavement in Modesto, California showed that shaded streets an unshaded street required 6 slurry seals over 30 years while a street with large shade trees required only 2.5. ["20% shade on a street improves pavement condition by 11%, which is a 60% savings for resurfacing over 30 years."](#)

"In one study, 83% of realtors believe that mature trees have a 'strong or moderate impact' on the salability of homes listed for under \$150,000; on homes over \$250,000, this perception increases to 98%."

*Arbor National Mortgage &  
American Forests*

## 10. Trees increase property values

Research by Dr. Kathleen Wolf of the University of Washington show that mature residential street trees increase property values as much as 15 percent. [Money Magazine](#) agrees "...invest in trees."

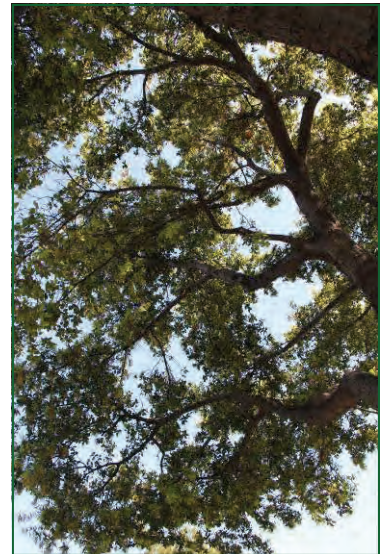
## 11. "Trees make streets safer..."

Tree lined roadways are more safe. Drivers have a better sense of their speed as they pass by street trees. Motorists slow down and drive more carefully making streets safer for both pedestrians and drivers. ([Dumbaugh, 2005](#))



## 12. Trees help patients heal faster

Children with Attention Deficit Disorder (ADD) show fewer symptoms when they have access to greener settings when compared to indoor activities or activities in paved areas with less landscaping. It called [Green Therapy](#). Studies have shown that hospital patients with a bedside view of a window with trees outside compared to those with a view of a brick wall heal faster and with fewer complications when recovering from surgery. (*Taylor, et. al., 2001; Ulrich, 1984*).



## 13. Trees provide habitat for wildlife

Trees provide much needed food and shelter for chipmunks, squirrels, birds, opossums, insects, spiders and many other species important to a healthy ecosystem. Trees also provide refuge to many important migratory bird species to roost en route to and from their breeding grounds.

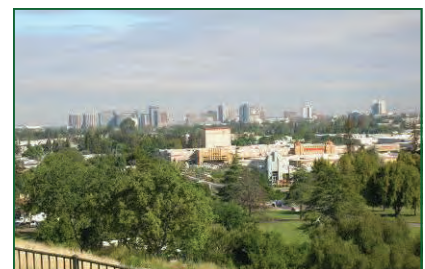


## 14. Trees build stronger, safer communities

Studies find that residents in inner-city buildings with trees have a stronger sense of community than buildings in the same area surrounded by concrete and asphalt. There are also fewer reports of physical violence in homes with trees and greenery outside the buildings. ([Kuo, Sullivan, 2001](#))

## 15. Trees provide psychological benefits

Trees provide space for solitude and reflection. When given exposure to landscaped areas with trees, people reported much higher levels of positive feelings when compared to those exposed to built environments. Just by viewing nature scenes for a few minutes, stress can be significantly reduced. (*Ulrich, 1981; Ulrich et al., 1991*).



## 16. Trees provide privacy and screening

Trees can be planted and maintained to create privacy, screen a view, reduce harsh glare, and buffer urban noise.

## 17. Trees are good for business

Studies show that tree-lined business districts are places where visitors have a more favorable experience. More shoppers frequent, shop longer, and spend more in business districts with trees.

Planting and providing proper maintenance for street trees in commercial districts boosts the local economy and is a smart business investment. (*Wolf, 2009*)





# CHAPTER 2

## Responsibility and Protection of Trees

The City of San Jose provides for the protection of trees in the Municipal Code (Code) Sections 13.28, 13.32 and 13.44.220 that can be found in the Appendix. The Code outlines permit requirements for any tree-related work (removal, planting or pruning). Details of the procedure to obtain tree permits are covered in the Chapter 3, *Permits and the Law*.



### Trees in the Public Right-Of-Way and on City Owned Property

#### Street trees

Per the Municipal Code Section 13.28.090:

*“Street” shall mean a public right-of-way owned by or under the control of the City of San José whose primary function is to carry vehicular traffic and shall also include sidewalks, park strips and planting easements.”*

Per the Municipal Code Section 13.28.095:

*“Street tree” shall mean any tree that is planted on a street.”*

#### City of San Jose

The City of San Jose responsibility for any tree related work is limited to street trees in the following locations:

1. Trees located between the sidewalk and the curb and gutter or behind sidewalk where the sidewalk abuts the curb and gutter only when the adjacent property is a City-owned facility and in designated areas within the Special Landscape Assessment Districts (see Appendix K, *Special Landscape Assessment Districts*).



## Chapter 2 Responsibility and Protection

2. Trees located in all median islands on public streets.
3. Trees located in back-up landscaping (see *Glossary Appendix L*).
4. Trees located along certain frontage landscaping (see *Glossary Appendix L*).



The City Arborist Office is responsible for administering the program to provide permits to property owners for any tree related work to street trees adjacent to private property.



### County of Santa Clara, County Roads & Airport Department

The County of Santa Clara, County Roads & Airport Department is responsible for any tree related work located along expressways and unincorporated county roads. The County [Tree Preservation and Removal](#) Ordinance requires permits for tree removal or other work around trees.

### California Department of Transportation (Caltrans)

The Caltrans is responsible for any tree related work along freeways and highways. Caltrans Adopt-A-Highway program utilizes volunteers to plant and maintain trees. See the [Caltrans Adopt-A-Highway](#) website for additional information.



### Property Owners

The property owner is responsible for tree related work on street trees located **adjacent to private property** located in parkstrips (see *Glossary*), behind sidewalk or in the sidewalk cut out where the sidewalk abuts the curb and gutter. (see appendix C Municipal Code Section 13.28.400 titled *Trees – Property owner maintenance responsibility and duty to public*).

## Park trees

According to Municipal Code Section 13.44.014:

*“Park” means all grounds, buildings, improvements, and areas dedicated to use by the public for park, recreation or open space purposes and over which the city has acquired right of use for such purposes.”*

Maintenance of trees within a City-owned park is the responsibility of the City. However, there are several other types of park-like areas where different departments or other government agencies have responsibility.

### Neighborhood and Regional Parks

The City Department of Parks, Recreation and Neighborhood Services (PRNS) is responsible for maintenance of the trees within City owned parks. Through the use of park staff and tree maintenance contractors, park trees are planted, pruned or removed for the health and safety of our park visitors and/or the tree forest. Tree related work (pruning, planting and removal) must be directed by PRNS. To report a park concern contact PRNS at: [park.concerns@sanjoseca.gov](mailto:park.concerns@sanjoseca.gov).

PRNS maintains a variety of different park types including Dog Parks, Skate Parks, Community Gardens, Trail Corridors, Open Space and, of course, Happy Hollow Zoo. A complete listing of City parks can be found at <http://www.sjparks.org/parksdirectory.asp>.

### Pocket Parks

These park-like facilities are located within the Special Landscape Assessment Districts throughout the City and maintained by the City Department of Transportation. (see Appendix, [\*Special Landscape Assessment Districts\*](#)).



### Creek Corridors and Riparian Habitat

The oversight of trees in or near creek corridors and riparian habitat within the boundaries of the City of San Jose is divided into three jurisdictions (City of San Jose, Santa Clara Valley Water District and The Department of Fish and Game) depending on the exact location of the creek and the tree. Sources of information for the three agencies are found in the Appendix, Contact Information. Permits are required for any work in these areas (see Chapter 3, Permits and the Law).



### County Parks

Santa Clara County currently maintains 28 parks. County parks staff manages all tree related work in county parks.

Email: [parkinfo@prk.sccgov.org](mailto:parkinfo@prk.sccgov.org)



### Trees on City Owned Properties

The City of San Jose is responsible for and maintains the trees located on all City owned properties listed below:

#### Public Works Department

Libraries

City Office Facilities

City Corporation Yards

Fire Stations

Police Stations

#### Department of Environmental Services

Water Pollution Control Facilities

Water Pollution Control Plant

San Jose Municipal Water

#### Department of Aviation

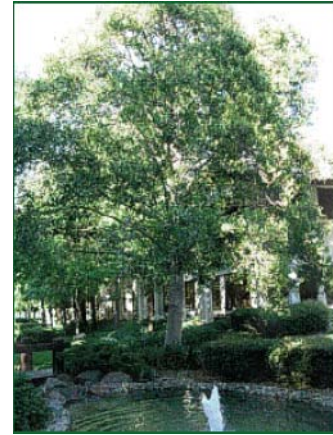
Airport Facilities



## Trees on Private Property

Any tree related work performed on private property is the responsibility of the property owner. Private property includes, but is not limited to the following:

- Single Family Residences
- Multi-family dwellings
- Commercial/Industrial buildings
- Retail Business
- Shopping Malls
- Private recreation Facilities
- Parking lots
- Churches
- Schools



## Tree Emergency Services Performed by the City

Trees on private property or street trees that fall into the category "hazardous condition" as defined in Section 13.28.045 may require emergency response by the City to abate a hazard in the public right-of-way. Municipal Code Section 13.28.400 holds the property owner responsible for any and all costs accrued as a result of tree related work required to abate a potentially dangerous situation. For more information on this procedure and subsequent billing and payment information see Appendix G.



The City of San Jose Department of Planning, Building and Code Enforcement (PBCE) regulates tree removal on private property. For removal of tree(s) on private property the Municipal Code Section 13.32.105 defines "tree" as:

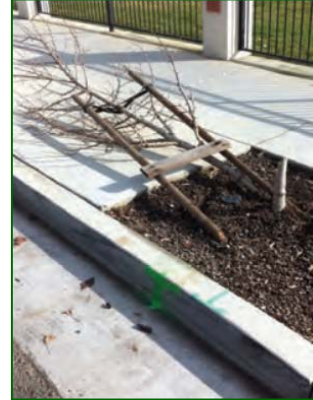
*"Tree" shall mean any perennial, woody plant species or cultivar that reaches a height exceeding six feet at maturity, whether planted singly or as a hedge, and having secondary branches supported on a main stem or stems."*



Permits for removal of a private property tree (either live or dead) should be obtained from PBCE (see Chapter 3, *Permits and the Law* for more details).

## Vehicle Accident Services

Accident reports concerning trees, curbs, and landscaping are forwarded to the Department of Transportation (DOT) from the Police Department. Accidents involving trees on City medians and backups are repaired by the City. The time and expenses for the repairs are forwarded to DOT Administration to obtain reimbursement from the responsible party's insurance company. If no accident report is available, the time and expenses are absorbed by the Department's budget. Accidents involving damage to parkstrip trees adjacent to private property that fall into the category "dangerous" are addressed under *Emergency Services* above.



# CHAPTER 3

## Permits and the Law



Over the past few decades it has become common for local governments to implement ordinances which are intended to protect the urban forest. These ordinances vary from one jurisdiction to the next and often depend on whether the tree is located on public or private property. This chapter is intended to clarify current tree ordinances which may affect the owners of property within San Jose.

### City of San Jose – Street Trees

#### General Street Tree Permit Information

Street tree permits are issued by the Department of Transportation.

The permit is free of charge. The permit or copy of the permit must be on site when the work is performed.

The permit or a copy of the permit must be presented upon request. Emergency tree work can be performed prior to permit issuance.



#### Street Tree Pruning Permits

Section 13.28.310 of the Municipal Code states:

*“Except as provided in this section, it shall be unlawful for any person to prune or remove any street tree, or do any construction work or activity that may affect the critical root zone of a street tree, without a permit issued by the director.”*

### Street Tree Pruning Permits

Permits are required for all routine pruning of street trees. Permits are issued free of charge by the Department of Transportation (DOT). There are three ways for property owners to request a street tree pruning permit.

- Call the Arborist Office.
- Email the Arborist Office.
- Fill out the [request form](#) on the City website.



### Street Tree Pruning Permit Process

The process starts when the Arborist's Office receives the request. An inspector from the Arborist's Office reviews the tree and the surrounding hardscape to determine the condition of both. If the tree is determined to require routine pruning and no issues exist with the hardscape, a pruning permit is issued which is valid for sixty days. If the tree cannot be pruned within the sixty day window one sixty-day extension is available.



Pruning is required to maintain clearance of 14 feet over the roadway.

### Street Tree Pruning Permit Packet

The permit packet includes important instructional materials that detail proper pruning techniques. Proper pruning requires technical skills and may present hazards to the inexperienced. (See Chapter 5, Why Hire a Certified Arborist)



Notes:

### Street Tree Pruning Permit Completion

Property owners are required to sign and return the permit after the work is complete. An inspection of the completed work is performed after the signed permit is received. Failure to comply with all conditions of the permit or failure to return the signed permit results in the issuance of a Non-Completion Notice. (See section on Non-Completion Notice below.)



### Illegal Street Tree Pruning Citations

Section 13.28.310 of the Municipal Code states:

*“Except as provided in this section, it shall be unlawful for any person to prune or remove any street tree, or do any construction work or activity that may affect the critical root zone of a street tree, without a permit issued by the director.”*

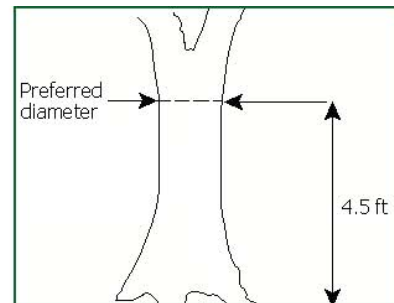
The Arborist’s Office issues illegal pruning citations for improper pruning (i.e., topping, excessive foliage removal, etc.) and pruning without a permit. See section *Pruning* in Chapter 5. The fines are based on trunk diameter as measured at 4.5 feet above grade.

<b>Trunk Diameter</b>	<b>Fine Amount</b>
0 to 5.99 inch	\$ 150.00
6.0 to 11.99 inch	\$ 175.00
12.0 to 17.99 inch	\$ 200.00
18.0 to 23.99 inch	\$ 225.00
24.0 and greater	\$ 250.00

Prior to issuing an official citation a notice of the violation of the Municipal Code is mailed to the property owner. The property owner must respond within fourteen (14) days providing justification for the illegal pruning if the property owner wishes to appeal the citation. The citation is issued if no adequate justification is provided or the response is not valid.



*Measuring the DBH of a tree*



*Improper pruning practices damage trees permanently.*



## Street Tree Removal and Replacement Permits

Section 13.28.310 of the Municipal Code states:

*“Except as provided in this section, it shall be unlawful for any person to prune or remove any street tree, or do any construction work or activity that may affect the critical root zone of a street tree, without a permit issued by the director.”*

*“The director shall issue a permit to remove a street tree only if at least one of the following criteria is met:*

- 1. The street tree is in a hazardous condition or imminently hazardous condition.*
- 2. 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 street tree policy, guidelines, and best practices published by the director.*
- 3. The street tree interferes with high tension electrical lines and the interference cannot be corrected by topping the street tree.*
- 4. The street tree has caused extensive concrete damage and the concrete has been replaced more than once in the preceding ten years.*
- 5. The street tree has done extensive sewer system damage that cannot be resolved by any other reasonable means.*
- 6. The street tree is in conflict with an approved development permit for the adjacent property or right-of-way pursuant to [Title 20](#) of this Municipal Code.”*

**SAN JOSE**  
CITY OF SAN JOSE, CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

**STREET TREE PERMIT**  
TREE REMOVAL & REPLACE PERMIT

Permit No: 164  
Location: 2315 BROADWAY

**PERMIT CONDITIONS (SEE ENCLOSURE for distance requirements):**

Quantity	Species	Size	Notes	Comments
20	Oak	12-24"		

City of San Jose  
Ralph L. Mann  
City/Arboretist Assurance Date

Permittee  
Date

### Street Tree Removal and Replacement Permits

Permits are required for the removal of all street trees. The permit may require planting a replacement tree as stated in the Municipal Code above. Permits are issued free of charge by the Department of Transportation (DOT).

## Chapter 3 Permits and the Law

There are three ways for property owners to request a street tree removal application.

Telephone the Arborist Office.

Email the Arborist Office.

Fill out the [request form](#) on the City website.

### Posting Requirements for Street Tree Removal

Section 13.28.360 of the Municipal Code states:

*“Any street tree for which a removal permit is required pursuant to Section 13.28.310, and the surrounding area, within one hundred and fifty feet on both sides of the street tree and on both sides of the street, shall be posted with a notice of proposed removal in accordance with this section, unless the director determines that such street tree poses an imminently hazardous condition.”*

The notice of “Tree Removal Request” (see Appendix D) is posted for a minimum of fourteen (14) calendar days. The notice includes the reason for the proposed removal and information for concerned citizens regarding submittal of an objection to the tree removal. Any objection must be in writing and received by the Arborist’s Office by mail or email within the posting period described below.

### Street Tree Removal and Replacement Permit Approval

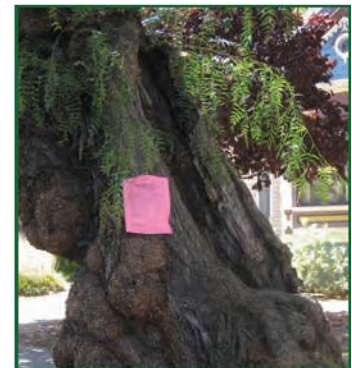
If no objections are received before seventeen (17) calendar days from the date of the initial posting (14 day protest period with 2 days for mail delivery) a tree removal and replacement permit is issued. The tree must be removed by the applicant at their own expense.

Tree replacement is required at all suitable street tree planting locations adjacent to the property where the tree was removed. Tree planting locations are marked with a green T.



*A Tree Removal Request must be visibly posted on the tree for a minimum 14 calendar days before a permit may be issued*

*A Tree Removal Request must be visibly posted on the tree for a minimum 14 calendar days before a permit may be issued*



## Chapter 3 Permits and the Law

The street tree removal and replacement permit identifies the replacement specie(s). Requests from the property owner for an alternative tree species must be submitted to the Arborist's Office in writing. A 15-gallon size or larger tree is required at each planting location. A removal and replacement permit is valid for sixty days. If the tree cannot be removed and replaced within the sixty day window one sixty-day extension is available.

### Street Tree Protest Hearings

A protest hearing is scheduled when a written objection is filed with the Arborist's Office. Protest hearings are informal and provide a means of mediation for interested parties. An impartial representative of the Arborist's Office conducts the hearing. After the hearing, the representative views the site for the first time in order to provide an unbiased perspective of all of the concerns presented at the hearing. Based on the site review and validation of the concerns, the representative makes a final decision.

### Street Tree Removal and Replacement Permit Completion

Property owners are required to sign and return the permit after the work is complete. An inspection of the completed work is performed after the signed permit is received. Failure to comply with all conditions of the permit or failure to return the signed permit results in the issuance of a Non-Completion Notice. (See section on Non-Completion Notice below.)

**CITY OF SAN JOSE**  
DEPARTMENT OF TRANSPORTATION

LANDSCAPE SERVICES DIVISION  
1404 MABURY ROAD  
SAN JOSE, CA 95133  
TELEPHONE (408) 271-2792

**STREET TREE PERMIT**  
CITY OF SAN JOSE, DEPARTMENT OF TRANSPORTATION  
Permit Code: 00001338  
**TREE REMOVAL & REPLACE PERMIT**

Tom Felton  
1404 Mabury Rd  
SAN JOSE, CA 95133

Tree Location: 12345 B ROADWAY

This street tree permit is issued subject to the following terms and conditions:

1. Owner, lessee or any contractor hired to perform the work must validate this permit by signature below. This permit is not valid unless signed by all parties after the approved services have been completed.
2. Work must be completed within sixty (60) calendar days of issuance date. Work not approved at the final inspection must be redone within fifteen (15) calendar days.
3. Permittee must notify the City Arborist for Final Inspection when work is completed by mailing this permit to:  
City of San Jose Arborist  
1404 Mabury Rd  
San Jose, CA 95133
4. All work shall be performed in accordance with Current ANSI-A300 Standard Practices for Tree Care Operations. This includes removal of NO MORE THAN 25% of the measurable leaf canopy during any one trimming.
5. Before digging in the park strip all locations must be surveyed by Underground Service Alert to identify utility lines. USA (800) 542-2444.

PERMIT CONDITIONS (see ENCLOSURE for distance requirements):

Quantity	Species	Size	Permitted Tree #	Act/Doc	Comments
1.00	Sycamore, Yalwood	15'-24"			

This tree species has been specifically selected for the existing conditions of your street. Any request for an alternative tree species must be in writing, in full two (2) in. x 4ft. x 1/16 in. plastic root barriers. (See enclosed planting details.)

CITY OF SAN JOSE

BY: Tom Felton 1162008

Ralph L. Moore  
City Arborist/Issuance Date

Please sign here and return

Owner/Completion Date \_\_\_\_\_

Contractor/Completion Date \_\_\_\_\_

Permit must be signed and returned after work is complete.

### Illegal Street Tree Removal Citations

Section 13.28.310 of the Municipal Code states:

*“Except as provided in this section, it shall be unlawful for any person to prune or remove any street tree, or do any construction work or activity that may affect the critical root zone of a street tree, without a permit issued by the director.”*

The Arborist’s Office issues illegal removal citations for removal without permit or improper pruning (i.e., topping, excessive foliage removal, etc.). See Chapter 5, *Pruning* or *Appendix C* for contract language. The fines are based on trunk diameter as measured at 4.5 feet above grade.

<b>Trunk Diameter</b>	<b>Fine Amount</b>
0 to 5.99 inch	\$ 500.00
6.0 to 11.99 inch	\$ 750.00
12.0 to 17.99 inch	\$ 1,000.00
18.0 to 23.99 inch	\$ 1,500.00
24.0 and greater	\$ 2,000.00

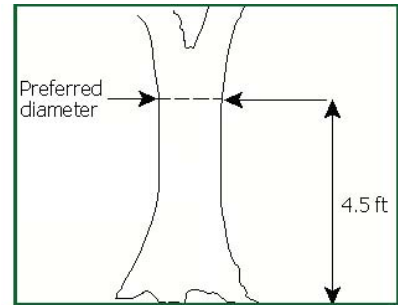
Prior to issuing an official citation a notice of the violation of the Municipal Code is mailed to the property owner. The property owner must respond within fourteen (14) days providing justification for the illegal removal. The citation and a repair notice are issued if no justification is provided or the response is not valid. See section *Repair Notice* below

### Street Tree Root Pruning Permits

Section 13.28.310 of the Municipal Code states:

*“Except as provided in this section, it shall be unlawful for any person to prune or remove any street tree, or do any construction work or activity that may affect the critical root zone of a street tree, without a permit issued by the director.”*

This statement includes cutting or pruning the roots.



*Severe topping of trees is considered illegal removal in instances where the tree will not be able to survive*

### Street Tree Root Pruning Permits

Permits are required for root pruning of street trees. Permits are issued free of charge by the Department of Transportation (DOT). There are three ways for property owners to request a street tree pruning permit.

- Call the Arborist Office.
- Email the Arborist Office.
- Fill out the [request form](#) on the City website.

### Street Tree Root Pruning Process

The process starts when the Arborist's Office receives the request. The roots to be pruned must be exposed before an inspector from the Arborist's Office is dispatched. The inspector reviews the tree and the surrounding hardscape to determine the condition of both. When the inspector determines that the tree can tolerate pruning of the number and size of roots requested and no issues exist with the hardscape, a root pruning permit is issued. When the inspector determines that conditions exist requiring removal and replacement of the street tree a street tree removal and replacement application is issued.

Street tree root pruning permits are valid for sixty days. If the tree cannot be root pruned within the sixty day window one sixty-day extension is available.

### Street Tree Root Pruning Permit Completion

Property owners are required to sign and return the permit after the work is complete. Failure to return the signed permit results in the issuance of a Non-Completion Notice. See section on Non-Completion Notice below.



Illegal and improper root pruning can kill a tree or cause it to fail.

## Street Tree Planting Permits



Section 13.28.300 of the Municipal Code states:

*"It shall be unlawful for any person to plant or install any street tree within the city, unless one of the following conditions exists:*

- 1. A permit that allows the planting or installation of the street tree was issued by the director in accordance with this chapter; or*
- 2. There is a valid written contract with the city for the planting or installation of street trees approved by the city manager or city council, as applicable."*

It should be noted that the signature of the legal owner of the property is required for a street tree planting permit.

### Street Tree Planting Permits

Permits are required for planting of street trees. Permits are issued free of charge by the Department of Transportation (DOT). There are three ways for property owners to request a street tree pruning permit.

Call the Arborist Office.

Email the Arborist Office.

Fill out the [request form](#) on the City website.

### Street Tree Planting Permit Process

The process starts when the Arborist's Office receives the request. An inspector from the Arborist's Office reviews the site and surrounding conditions. See Chapter 4, Site Assessment for the details of what the inspector reviews. All suitable locations are marked with a green T. A notice is sent to the property owner if no suitable tree planting locations can be identified. If suitable locations are identified a street tree planting permit is issued and is valid for sixty (60) days. One sixty-day extension is available if the tree(s) cannot be planted within sixty days.



Notes:

### Street Tree Planting Permit Packet

Proper planting techniques are essential to the success of the establishment and growth of a tree. The planting permit packet includes important instructional materials including all required planting details to comply with the planting permit. Planting instructions and best management practices for tree planting are found in Chapter 4. Tree planting details are in Appendix F.

### Street Tree Planting Permit Completion

Property owners are required to sign and return the street tree planting permit after the work is complete. An inspection of the completed work is performed after the signed permit is received. Failure to comply with all conditions of the permit or failure to return the signed permit results in the issuance of a Non-Completion Notice. See section on Non-Completion Notice below.

### Illegal Planting Repair Notice

The Arborist's Office issues a repair notice for trees planted without permit that are not in compliance with the best management practices for the City, including, but not limited to the following:

- Unsuitable location
- Improper species selection
- Unacceptable nursery stock
- Staking that will injure the tree
- Improper depth of planting
- Impervious material in parkstrip



*Leaving the nursery stake on a tree hinders the development of root flare and may cause damage to the tree*



## Reporting Emergency Street Tree Work

Section 13.28.340 of the Municipal Code states:

*“Notwithstanding any provisions of this part, no permit shall be required for pruning or removing a street tree if any of the following criteria are met prior to any work being performed:*

- 1. An imminently hazardous condition exists where the immediate pruning of a street tree(s) is necessary to protect the public health, safety or welfare. The person who performs the emergency work must not prune the street tree(s) more than is reasonably required to eliminate the imminently hazardous condition and must provide, within two business days of the completion of the emergency work, written notice to the director that includes a full description of the work completed, the exact location where the work was performed, and the basis for the emergency pruning.*
- 2. An imminently hazardous condition exists and the director has provided written notice to the responsible property owner to take certain corrective action to abate the imminently hazardous condition and the work performed complies with the notice.”*



This section of the Municipal Code insures the protection of the Community Forest by allowing the Arborist Office track the locations where damage or loss of street trees has occurred.

The property owner is required to submit documentation to the Arborist's Office after emergency work is completed for any street tree.

The documentation should include the following:

- Name and address of property owner.
- Location of tree(s).
- Nature of the emergency.
- Photographic documentation of the emergency.
- Description of the work performed.



These items must reach the Arborist's Office within two business days of the emergency.

## Repair Notice

Section 13.28.440 of the Municipal Code states:

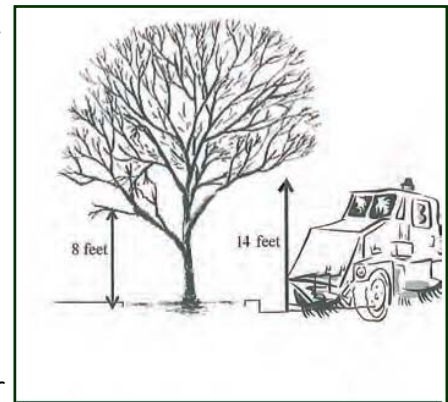
*“No owner or person in possession or control of any premises shall maintain any tree, shrub, hedge or other landscaping located on such premises in a manner that causes or may cause a hazardous condition on a street.*

*No owner or person in possession or control of any premises on any corner or interior lot abutting upon a street shall permit the existence of any tree, shrub, hedge, landscaping, mound of earth, or boulders that obscure and impair the view of intersecting or entering traffic from a street of passing motorists or pedestrians or which impairs the view of the street signs, traffic signs, or any other control devices or signs placed upon the streets for the safety and convenience of the public.”*

Trees, whether on private property or within the public right-of-way can pose a threat to the vehicle or pedestrian traffic by blocking regulatory signage, streetlights, traffic signals or from broken branches or other defects. Repair notices are issued to the property owner with a description of the required repairs. The repair notice allows thirty (30) days for the required work to be completed. Failure to comply with all conditions of the repair notice or failure to return the signed repair notice results in the issuance of a Non-Completion Notice. See section on Non-Completion Notice below.



*This tree significantly obstructs the traffic sign*



*This tree does not meet the minimum street clearance requirements*

## Non-Completion Notice

Section 13.28.400 of the Municipal Code states:

*“A property owner required by this section to plant, maintain, and replace, if necessary, street trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using streets to maintain such street trees, shrubs, hedges or other landscaping in a safe and nonhazardous condition for users of the streets. For purposes of this section, maintenance of street trees, shrubs, hedges and other landscaping 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.”*

The Non-Completion Notice is sent in response to a failure to complete the required work described in any street tree permit or a Repair Notice. The Non-Completion Notice allows an additional thirty (30) days to complete the required work and return the signed notice to the Arborist's Office.



**Notes:**

Section 13.28.540 of the Municipal Code states:

*"If the corrective action required by notice is not completed within the time specified in the notice of violation, the city shall have the authority to perform this work or cause this work to be performed and the owner of the affected property shall be billed for the costs incurred."*

Failure of the property owner to complete the required work within thirty (30) days results in completion of the required work by the City or its representative and issuance of an invoice to the property owner for all related costs.

## **City of San Jose– Private Property Trees**

### **Private Property Tree Permit General Information**

Information about local laws relating to trees on private property is contained in the Municipal Code [Chapter 13.32](#)

The purpose for the law is stated in Section 13.32.010:

*"It is the purpose of this chapter to promote the health, safety, and welfare of the city by controlling the removal of trees in the city, as trees enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased storm water quality, reduce flood hazards and risks of landslides, increase property values, reduce the cost of construction and maintenance of draining systems through the reduction of flow and the need to divert surface waters, contribute to energy efficiency and the reduction of urban temperatures, serve as windbreaks and are prime oxygen producers and air purification systems."*



The City of San Jose recognizes the value of these living assets by protecting them with the law.

## Private Property Tree Pruning Permits



No notifications or permits are required of the property owner with the exception of Heritage Trees (See Heritage Tree Section).

Excessive or inappropriate pruning which leads to the decline or complete failure of a private property tree could result in the issuance of an illegal removal citation. See Illegal Removal Citation below. For more details on proper pruning techniques and standards see Chapter 5, Care of Trees in the City of San Jose.

## Private Property Tree Removal Permits

The Municipal Code requires that a property owner obtain a permit prior to the removal of any **live** or **dead** "tree" on private property. The Municipal Code 13.32.020 defines trees on private property as follows:

*"Tree" means any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six inches or more in circumference at a height of twenty-four inches above natural grade slope. For purposes of this chapter, a multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four inches above natural grade slope. "Tree" shall include the plural of that term."*

It is important to note that the Arborist's Office uses the traditional forestry measurement of diameter measured at breast height (DBH) with height equal to fifty-four (54) inches above the ground. A fifty-six inch circumference equals a diameter of approximately 17.8 inches.

### Private Property Tree Removal Permits

Permits for the removal of private property trees are issued by the Planning Section of the Department of Planning, Building and Code Enforcement (PBCE). The permit application forms can be obtained by one of the following:

- Telephone the Planning Section directly.
- Download [Live Tree Removal Application](#).
- Download [Dead Tree Removal Application](#).

The applicant must provide the following information with the application:

- Assessors Parcel Number (APN)
- Plot Plan (2 copies) to scale that contains existing driveways and all buildings or other structures
- Type, size, condition of trees to be removed
- Other existing trees on property
- Location of replacement trees
- Photograph of the tree(s)
- Evidence explaining why tree should be removed
- Certified Arborist report (if requested)  
Indicate if nesting birds or other animals are present

Applicable fees are paid when the application is submitted.

Detailed information regarding the Planning Sections process can be downloaded with the application form or viewed in Appendix E.



Notes:



Dead pines trees and other evergreen trees are easily verified.

Private Property Tree Removal Process

**LIVE TREE REMOVAL**

Live Tree Removal Applications must be submitted in person to the Planning Section. Staff reviews the application and prepares a recommendation for the Director to present at a Planning Commission hearing.

Staff notifies surrounding property owners of the pending application and public hearing. Director reviews the recommendation and approves or denies the request at the Planning Commission hearing.

Director notifies the applicant of the determination. Appeals to the decision can be made.

**DEAD TREE REMOVAL**

Call for an appointment to submit a Dead Tree Removal Application. A Dead Tree Removal Permit is issued if the tree condition is verified.

Tree plantings that are required as a condition of approval for either a live or dead tree removal must be completed or an *in lieu* fee may be acceptable.



Notes:

Private Property Illegal Removal Citations

Section 13.32.060 of the Municipal Code states:

*“Any person who unlawfully removes or has unlawfully removed a live tree or dead tree, or causes or has caused the unlawful removal of such a tree, shall be subject to any appropriate enforcement action by the city, which action may include without limitation the issuance of an administrative citation and the imposition of an administrative fine in the amount set forth in a schedule of administrative fines set forth by resolution of the city council.”*

The Code Enforcement section of PBCE issues illegal removal citations for removal without permit or improper pruning (i.e., topping, excessive foliage removal, etc.). See Chapter 5 section *Pruning* for description of these two illegal pruning practices. The fines are based on trunk circumference as measured at two (2) feet above grade.

<b>Trunk Diameter</b>	<b>Fine Amount</b>
17.83 to 23.99 inch	\$ 1,500.00
24.0 inch or greater	\$ 2,000.00

### Private Property Root Pruning Permit

No permits are required for root pruning private property trees. It is strongly recommended that any tree work be performed to ANSI Standards and ISA Best Management Practices. See Chapter 5, *Why Hire a Certified Arborist*.

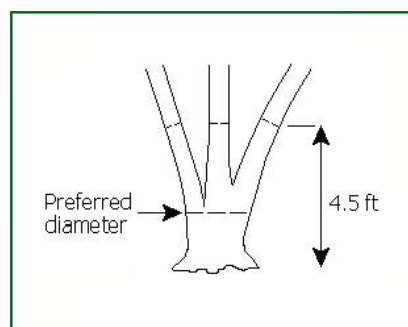
### Private Property Planting Permits

No permits are required for planting trees on private property. Care should be taken to follow all clearance requirements and setbacks. Planting details are found in Appendix F. Written descriptions of all planting considerations from site and species selection, site preparation to the proper planting materials and methods to use are found in Chapters 4 and 5.

### Private Property Emergency Tree Work

Permits are required for removal of private property trees that fail. PBCE issues tree removal permits for trees that were removed as part of an emergency with proper documentation.

The City may perform emergency tree work if a tree on private property fails or partially fails onto the public right-of-way. See Chapter 2, *Tree Emergency Services Performed by the City*.



Diameter is measured at twenty-four inches (24") above the ground for private property trees.

## Heritage Trees

Municipal Code, section 13.28.220 describes a heritage tree as follows:

*“Any tree which, because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the city council to have a special significance to the community shall be designated a heritage tree. Such trees shall be placed on a heritage tree list which shall be adopted by the city council by resolution, which resolution may be amended from time to time to add to or delete certain trees therefrom.”*



### Nomination Process

Designation of a tree as a heritage tree resides within the jurisdiction of the City Arborist’s Office. The property owner can contact the Arborist’s Office to nominate a tree for Heritage status or someone other than the property owner may nominate a tree only after obtaining written permission from the property owner.



### Maintenance Responsibility

Any tree that is designated as a heritage tree is subject to the same maintenance responsibilities as a street tree whether or not it is located on private property. For any tree related services performed on a heritage tree the property owner should contact the Arborist’s Office for consultation.

### Heritage Tree Removal

Permits to remove a heritage tree on private property must be obtained from the Department of Planning, Building and Code Enforcement. For removal of a heritage tree planted in the public right-of-way contact the Arborist’s Office for permit information. Violations can lead to a citation and a fine of up to \$10,000 for a first offense.



### Transfer of Ownership

Property owner should disclose the presence of any heritage trees prior to sale or transfer of property ownership.





## **City of San Jose Property Tree Permits**

Trees located on City owned property (e.g. Parks, Libraries, Fire Stations, etc.) are managed by different City departments. Each department performs tree related maintenance work without permit requirements. Removal of trees from these properties requires the posting of a courtesy notice to the public and review by the City Arborist's Office.

## **Santa Clara County Street & Private Property Tree Permits**

The County of Santa Clara [Tree Preservation and Removal Ordinance](#) states:

*"...it shall be unlawful for any person to remove any protected tree on any private or public property in designated areas of the County without having first obtained an administrative permit..."*

## **School Districts in San Jose**

All school districts manage trees on school district properties. No planting, pruning or other tree related work may be performed with out specific permission from the school district office (not the particular school or facility).

Street trees located adjacent to school district property are subject to the permits requirements of the appropriate agency (e.g. City, County, etc.)

## **Santa Clara Valley Water District (SCVWD) Tree Permits**

SCVWD manages the trees on all Water District properties. No planting, pruning or other tree related work may be performed with out permission from the water district. Definitions of property line jurisdictions and the on-line permit applications are available from the [SCVWD website](#).

## State of California Tree Permits

Caltrans The Caltrans is responsible for all tree related work along freeways and highways. Caltrans Adopt-A-Highway program utilizes volunteers to plant and maintain trees. See the [Caltrans Adopt-A-Highway](#) website for additional information.



## Department of Fish and Game (DFG)

The City of San Jose is located within Region 3 or the Bay Delta Region of the California DFG. The California DFG requires permits for any work performed in waterways under their jurisdiction. Information is available at [California DFG website](#).



Notes:

## State of California Tree-Related Laws

### California Solar Shade Control Act

[Senate Bill 1399](#) passed in July 2008 amended the state Public Resources Code to place restrictions on “planting or growing” trees that cast a shadow over more than ten percent of the absorption area of a solar collector at certain times of the day, IF the tree is planted subsequent to the installation of the solar collector. The City of San Jose has not yet enacted its own Solar Law. The California State Law is therefore the governing law regarding trees and solar collectors in the City of San Jose.

### Model Water Efficient Landscape Ordinance

California passed the Water Conservation in Landscaping Act of 2006 (AB 1881) that required water conservation efforts in landscapes be written into law in all municipalities by January 1, 2010. The City of San Jose wrote a new ordinance section that details requirements for water use limits, irrigation design, planting design, water budgets and other water conserving measures in [Chapter 15.11](#) of the Municipal Code titled “Water Efficient Landscape Standards for New and Rehabilitated Landscape.” Developers, contractors, landscape designers and irrigation designers should become familiar with this new ordinance.



Notes:

## **Other Tree Laws in the City of San Jose**

### **City of San Jose Municipal Code (Non-Permit Related Laws)**

#### **Willful Damage to Tree**

In the City of San Jose it is unlawful for any person to damage, cut, carve, girdle or injure the bark of any street tree.

#### **Lighting and Signage Prohibited**

The City of San Jose law specifically disallows the attachment of signage, wires, devices, lighting or other injurious materials to the trunk, roots or branches of any street tree.

#### **Protection from Chemical Damage**

Gaseous, liquid or solid substances, like pesticides and herbicide, oil, gasoline or other or similar chemical agents harmful to trees are not allowed to come in contact with the roots, leaves, bark or any part of any such tree as stated in the Municipal Code.

#### **Protection of the Ground Plane**

The City of San Jose does not allow construction of concrete, asphalt or brick paving or the construction of any raised planter at the base of a street tree. In addition, stockpiling building material, debris or other material about any tree in a street is prohibited.

#### **Tree Protection Requirements for Moving Large Objects on Streets**

The City of San Jose law requires protection of trees from damage when moving any building or other object along any street. When moving a large object along a City street a bond may be required in the amount to cover any damage to City street trees.

### Electrical Wire Placement Restrictions

It is unlawful to attach any electrical line, insulator or other electrical utility device to any tree growing in the public right-of-way.



Notes:

### Sale or Transfer of a Residential Real Property

The seller must disclose to the buyer if the property complies with the city's street tree maintenance and replacement requirements of Section 13.28.400 and 13.28.410. The City disclosure form generally requires that the property must have one street tree for any adjacent street (if it is an interior lot) and at least three street trees if it is a corner lot.



# CHAPTER 4

## Planting Trees in the City of San Jose

### Why Plant Trees

Trees shall be planted:

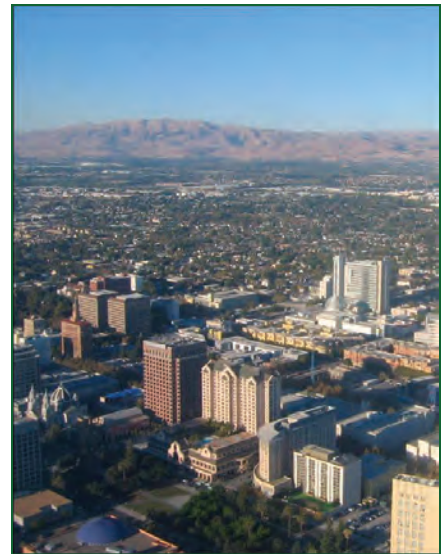
- As a condition of development
- As a condition of a tree removal permit
- To fill vacant street tree locations
- To optimize canopy cover
- To mitigate storm water runoff

Beneficial reasons to plant trees

- Aesthetics
- Improve air quality
- Shade
- Reduce utility usage
- Increase property values
- Increase business revenue
- Reduce crime
- Improve pedestrian and bike corridors
- Improve health

Extensive scientific research completed over the last few decades proves trees are an essential part of our environment, as well as, an essential ingredient for healthy, productive lives. See [Human Dimensions of Urban Forestry and Urban Greening](#) and [Green Cities: Good Health](#) to read the compelling scientific evidence that humans need trees.

The City of San Jose has partnered with Our City Forest (a non-profit tree planting group in the Santa Clara Valley) that may be able to help with providing and planting a tree. See Chapter 6, Our City Forest.



A bird's-eye view of San Jose's Community Forest.



Trees promote a healthy lifestyle.

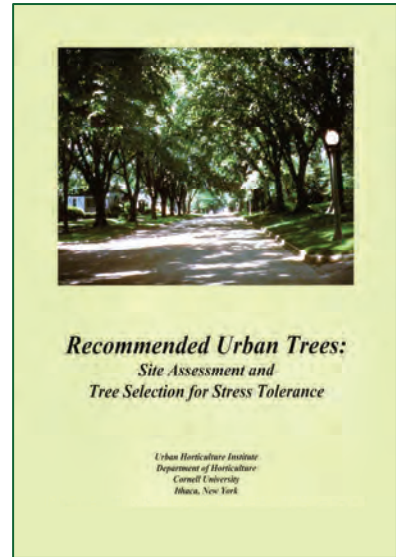
## Where to Plant Trees

### Site Assessment

Before planting any landscape plant a site assessment should be completed. On a developed site where buildings, utilities and other features have already been installed, the process is fairly straight forward. For a designer or planner the process may be more difficult because the future buildings, planned landscape features, irrigation lines and utility boxes may not always be shown on the same drawing.

The heights of buildings and other structures also need to be considered.

A Site Assessment check list can be downloaded free of charge from the Cornell University publication, [\*Recommended Urban Trees: Site Assessment and Tree Selection for Stress Tolerance\*](#). Some of the most important features of the site assessment are discussed below.



### Root Space

Trees need adequate space for trunk expansion and space to develop woody structural roots for support. For street tree plantings the following guidelines for tree root growth are provided by the City Department of Transportation. Since exceptions to these guidelines can occur, it is wise to consult with the Arborist's Office for additional information.

Building footing                      5 – 10 feet  
(depending on mature size of tree)

Underground Utilities  
Don't guess. Call Underground Service Alert  
(USA)

Sewer Lateral Lines            10 feet  
Water Meter                      5 feet

This is a "Color Code for Marking Excavation Sites &amp; Underground Facilities" chart. It consists of a grid of colored boxes with corresponding labels. The labels are: PROPOSED EXCAVATION (white box), TEMPORARY SURVEY MARKINGS (pink box), ELECTRIC (red box), GAS-OIL-STEAM CHEMICAL (yellow box), COMMUNICATION CATV (orange box), WATER (blue box), RECLAIMED WATER IRRIGATION SLURRY (purple box), and SEWER STORM DRAIN (green box). Below the grid is the "811 USA North" logo with the slogan "Know what's below. Call before you dig." and the text "California and Nevada Call Two Working Days Before You Dig! 811 / 800-227-2600".

The complete list of tree planting set backs with diagrams (vehicle line of sight, etc.) can be found in the Appendix F, *Clearance and Setback Guidelines for City Streetscape Projects*.

Placement of the tree in relation to other plant material on the site must be considered. In a new landscape turf and other ground cover, shrubs and annuals should be planted a minimum of two feet from the outside edge of the planting pit. In existing landscape the same guideline should be followed.



Canopy Space

The *mature size of the tree* must be the primary consideration to accurately determine the placement of the tree in relation to the location of buildings, other trees, smaller landscape plants and overhead utilities, traffic devices and signs. For street tree plantings the following guidelines for canopy clearance are provided by the City Department of Transportation.

Street Lights	20 Feet
Stop signs and other traffic devices	20 Feet
Overhead high voltage lines	10 Feet
Existing trees	One-half the <i>mature</i> canopy width

Trees should be spaced to allow for adequate expansion of branches horizontally (the width of the mature canopy). For most urban trees, especially street trees planted in a row, the rule of thumb is to space the trees at a distance equal to half of the mature canopy diameter.



Well spaced street trees allow adequate room for good branch development.

The shape of the tree is an important factor when choosing a street tree species to meet the above ground clearance requirements. Clearance for vehicle and pedestrian traffic requires that the lowest woody branch of a street tree must be at minimum fourteen feet above the street pavement and eight feet above the pedestrian walkway or sidewalk.

PG&E recommends to “Choose a tree and location where the ultimate height and spread of the tree will remain at least 10 feet away from power lines.” PG&E offers extensive literature titled [A Guide to Small Trees Near Distribution Lines](#) through the “Right Tree Right Place” program.

There are many sources for information on the mature size of trees. Here a just a few helpful links:

[SelectTree](#) An interactive site from the Urban Forests Ecosystem Institute to help choose trees by mature size, climate soil conditions and other characteristics.

[USDA Plants Database](#) and [Oregon State Plant Identification](#) where tree information can be searched by common name or scientific name.

Once root and canopy space assessments are completed the appropriately sized tree (the [largest tree possible to enhance the Community Forest](#)) can be determined.

#### Defensible Space – Fire Prevention

Many homes within the City of San Jose abut parklands, open space, woodlands or other areas of dense vegetation with a higher risk for wildfires to occur. California law requires 100 feet of defensible space.



Do not plant tall trees under high voltage lines.





The following excerpt is from the state law:

*“Compliance to PRC 4291 is required by any person who owns, leases, controls, operates or maintains a building or structure in or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands or any land that is covered with flammable material and is within the State Responsibility Area. PRC 4291 requires 100 feet of Defensible Space (or to the property line if less than 100 feet) from every building or structure that is used for support or shelter of any use or occupancy.”*



The 100 feet of defensible space includes 30 feet clear of flammable vegetation, equipment, etc. immediately surrounding the structure and an additional 70 feet of reduced fuel plantings and objects to the property line. The California Department of Forestry and Fire Protection ([CAL FIRE](#)) website provides educational videos and brochures, diagrams and further explanation of the law.

The FireSafe Council is another organization for information and activities focused on providing support for homeowners and other property owners to protect their homes from wildfires. It is comprised of public and private sector organizations, including grassroots organizations. Santa Clara County has four active FireSafe Council chapters.



**Santa Clara County**

[East Foothills FireSafe Council](#)

[Santa Clara County FireSafe Council](#)

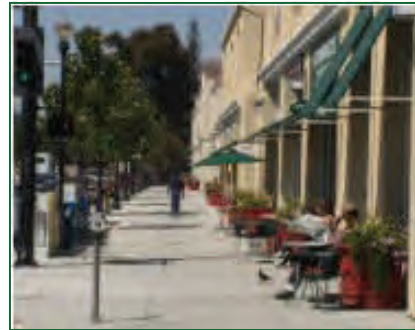
[South County FireSafe Council](#)

[South Skyline FireSafe Council](#)

## What Tree Species to Plant

### The Argument to Plant Large Trees

The City encourages the selection of trees appropriate for a particular urban site, but also encourages planting the largest possible canopy tree to maximize energy savings, reduce air pollution, improve storm water management, shade for our streets, reduced crime and improve health. Significant research over the last decade provides scientific data to prove that [Trees Pay Us Back](#). The City plants the largest size shade tree possible, if the Site Assessment data indicate that a large shade tree can be accommodated.



Trees increase business revenues in retail areas.

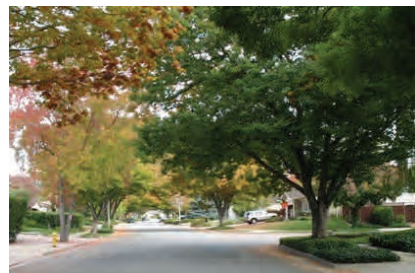
It is the goal of the City of San Jose to maximize the tree canopy of our Community Forest. To accomplish this goal the City Arborist staff chooses a street tree species that will provide the largest canopy at maturity and that is suitable for the size of the planting site. A park strip with a width of three feet or less should be planted with a small tree, while a parkstrip with a width of six feet or more can accommodate a tree with a large canopy at maturity. Planting site obstructions like, overhead utility lines, utility meters, street light and signs are also considered when choosing the mature size of the tree.



Large trees provide shade and reduce energy use.

### Species Diversity

History has taught us that diversity is the key to a healthy community forest. In the middle of the 20th Century, an over-reliance on the American Elm (*Ulmus americana*) resulted in the loss of major portions of the tree canopy of many cities in the Eastern and Central United States when Dutch Elm Disease arrived in the U.S. A diversity of tree species limits the effect pests and diseases have on the Community Forest.



Diversity provides beauty and variety year round.

Experts recommend using the “10-20-30 rule” to determine a good ration of tree species to maintain good species diversity. The general rule is: no more than 10 per cent of the street tree population is composed of one **species**, no more than 20 percent composed of one **genus** and no more than 30 percent is composed of one **family**.

For example, the Community Forest should have no more than:

**10% species**

Coast Live Oak (*Quercus agrifolia*)

**20% genus** of the oaks (*Quercus*)

Red oak, black oak, live oak, etc.

**30% family**

Fagaceae family includes the oaks (*Quercus*), tanoaks (*Lithocarpus*), beech (*Fagus*) and chestnut (*Castanea*)

San Jose recommends using the 10-20-30 rule, but three popular tree species, the Chinese Pistache (*Pistacia chinensis*), the Crape Myrtle (*Lagerstroemia* spp.) and the London Plane tree (*Platanus acerifolia*) or Sycamore, are exceeding the 10 percent capacity. Planting more of these species should be avoided and other tree species should be considered when planting new trees in San Jose.

The City plans to develop a Community Forest Management Plan that will help to rotate declining or problematic tree species while planting a more stable and diverse community forest. To aid in choosing species of trees that are diverse and yet aesthetically pleasing and compatible in shape, color and form Cornell Horticulture provides the publication [Recommended Groups of Visually Compatible Trees](#).



## Water Conserving Landscapes

Chapter 15.10 of the San Jose Municipal Code Titled *WATER WASTE PREVENTION AND WATER SHORTAGE MEASURES* states:

*“The City of San José is dedicated to long-term water conservation to address the chronic water shortage, to protect the aquifers of the city, and to prevent land surface subsidence. Moreover, the city is subject to periodic droughts, a circumstance which requires the city council to take steps to protect the health, safety and general welfare of the public.”*

Tree species should be planted that reflect the City policy for water conserving landscapes. Source lists for drought resistant trees can be found on the [Canopy](#) and [SelecTree](#) websites.

The site assessment process continues: The next steps in the process are to determine other site characteristics that help to target the best tree species selection for the site.



## Hardiness and Suitability to the Site Environment

The street tree planting environment in a city the size of San Jose is extremely diverse. The City Arborist staff takes microclimate and soil type into consideration when choosing your street trees. The staff is familiar with trees that grow well in our city and in the variable soil types in our neighborhoods. See Appendix H for more details on environmental characteristics of the Santa Clara Valley.

## Plant Pests and Diseases

Most trees and other plant material that are genetically well-suited to their environment will thrive once planted. In a natural setting, disease is the exception, not the rule. Since man first cultivated the soil and planted the first plants there have been plant diseases and insect pests. The “Disease Triangle Concept” is one of the primary tools used to teach students about the relationship between plants, pest and disease organisms and the environment.



In its simplest form the plant disease concept states that “all three control factors must be present for disease to occur”. This simple statement implies that each of the three factors has equal influence on whether disease will occur. This is not the case in the real world.

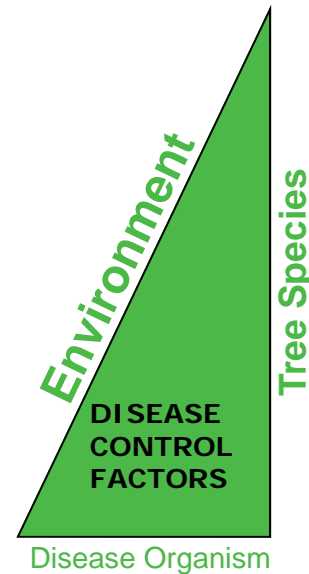
Plant disease organisms and other plant pests are common and widespread. Scale insects, bacterial disease of ornamental pear tree, mistletoe, just to name a few. When planting a tree little or no control exists over the near-by presence of plant pests. Often pests are nearby, but the disease or pest problem does not occur. Why?

The environment and the tree species selected favor good health and hardiness for the tree to naturally resist the pest or disease. Control of the tree species factor of the triangle is possible and necessary to prevent plant disease by selecting a suitable tree species. Control of the environment is possible and necessary to prevent plant disease by providing and maintaining healthy soil and adequate water around the tree. In the real world the environment and the proper tree species are more important than the presence of the pest in deciding whether disease will occur.

In San Jose insect problems and diseases of trees that commonly occur can be avoided by ensuring that the environment is properly maintained for the tree and by selecting pest and disease resistant trees.

Many tree diseases can be avoided by applying the correct amount of water. Fungal diseases, like wood decay, are encouraged by excessive irrigation. Many insect pests are encouraged to attack when a tree is stressed by lack of water.

A few of the more common pest problems found in San Jose are described briefly in the following section. Detailed information on common pests of trees and landscape plants in California can be obtained from the [UC Cooperative Extension IPM website](#).



*The environment is the most important factor in controlling whether tree diseases or pest problems will occur.*  
*Choosing the right tree species is the second most important factor.*



## Common Pests and Diseases in San Jose

### **SYCAMORE SCALE**

Sycamore scale is a minute sucking insect which can cause severe damage to the health and vigor of both young and mature Sycamore trees. The primary symptoms are small (2 mm diam.) brown spots with yellow halos on the leaves and early leaf loss. The younger leaves are usually the hardest hit. Premature excessive leaf drop occurs.

To avoid this pest problem use the Columbia variety of sycamore (*Platanus acerifolia* 'Columbia') instead of the Yarwood variety (*Platanus acerifolia* 'Yarwood'). [Click here](#) for more information and photographs of this pest.



Tulip tree declining from an infestation of the tulip tree scale insect.

### **TULIP TREE SCALE**

The Tulip Tree Scale is a sucking insect that feeds on the leaves and tender stems of the Tulip tree (*Liriodendron tulipifera*). The insect weakens the tree causing death of the leaves and twigs and eventually the whole tree. A sticky, clear liquid that falls to the ground is a result of its feeding as well. This tree species is not well-suited to most of the climatic and soil conditions in San Jose. No resistant varieties are available. Avoid planting this tree, especially near sidewalk. [Click here](#) for detailed information and photographs of this pest.



Sticky honeydew from feeding of aphids and other sucking insects.

### **APHIDS**

Hackberry (*Celtis sinensis*), Zelkova (*Zelkova* spp.), Ash (*Fraxinus* spp.) and Pine (*Pinus* spp.) are just a few of the trees in San Jose commonly infested with the aphid insect. There are many different species of aphid and some are specific to only certain trees, however, similar damage results from aphid feeding on trees. Aphids feed by sucking on leaves and twigs resulting in yellowed, distorted or dead leaves.



Hackberry aphid

Aphids produce a sticky substance called honeydew that attracts ants and a black fungus called sooty mold. [Click this link](#) for more information and photographs of this pest.

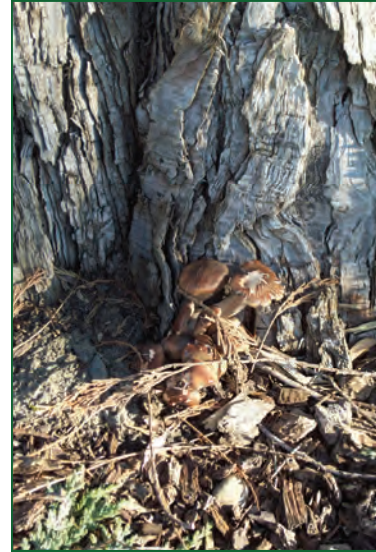


### **OAK ROOT ROT**

The oak root fungus, *Armillaria mellea* causes root rot in a wide range of shrubs and trees worldwide. The first sign of this disease ranges from a slow gradual dieback to sudden death of a tree. Examination of infected roots reveals the presence of white mats of fungus mycelium between the bark and the wood. Trees infected with *Armillaria* will often blow over, due to the loss of supporting roots.

In most cases, the occurrence of oak root rot is related to previous stress on the plant. The pathogen lives in most soils, and will infect a tree when it is weakened by stress. This stress may be environmental, such as drought, flooding or poor drainage; biotic, such as a severe insect infestation of leaf disease; or people-caused, such as construction or chemical injury. Prevention, therefore, is largely dependent upon maintaining a healthy environment for the tree.

Once Oak Root fungus is prevalent in the soil there is no practical control method to eliminate it. Newly planted trees are weak and susceptible to infection unless they are genetically immune to this disease. The UC Master Gardeners provides a list of plants that are susceptible or resistant to this fungus on their [pest website](#). More detailed information and photographs are available at the UC Davis IPM Website page titled [Armillaria root rot \(Oak root fungus\) - \*Armillaria mellea\*](#).



Mushroom growth of the Oak Root Rot fungus.



Oak Root Rot fungus, *Armillaria mellea* courtesy of [UC IPM](#)

Other Common or Invasive Pests



**SOD OR SUDDEN OAK DEATH**

SOD has been in the news over the past few years. Research is on-going throughout the state of California to help protect our native oak and other trees. To find more details and information on how you can help go to the [California Oak Mortality Taskforce](#).



SOD oozing canker.  
[UC IPM website](#).

**RED PALM WEEVIL**

This insect made the news just last year when it was sighted for the first time within the continental United States in a Canary Island Date Palm (*Phoenix canariensis*) in Laguna Beach, California. The weevil is very large (1.4 to 1.6 inch length), can fly long distances (over 4 miles) and is very prolific. The insect is attracted to unhealthy palms, but can attack healthy palms as well. The feeding damage caused by the larval stage of the insect kills palm trees in a few short years. The [Center for Invasive Species Research](#) at UC Riverside is actively working to find control methods for this new pest. It is considered one of the most serious pests to damage palms. Symptoms include oozing sap from the trunk, and death of leaf tips and whole leaf collapse. Pest sightings or concerns about any unusual pest should be reported immediately to the [California Department of Food and Agriculture \(CDFA\)](#).



**EMERALD ASH BORER**

The emerald ash borer (*Agrilus planipennis*) Has been making news across the country as it devastates Ash tree (*Fraxinus* spp.) across the Midwestern states. This very aggressive pest has not been detected in California yet, but a plan to help mitigate its presence is being formulated by state, county and local agencies throughout California.





## INVASIVE TREES AND PLANTS

Imported plants (imported by design or by accident) often adapt well to our California climate and spread to open space, wetlands and forested areas. Often these imported or invasive plants are detrimental to the habitat of the native plants and to the habitat of the native wildlife. Invasive trees can cause a decline of the native species of plants, insects and wildlife. Selection of landscape trees for planting (whether on private property or in the public right-of-way) should include investigating whether the tree species is considered invasive or detrimental to our California Landscape.

The nonprofit organization California Invasive Plants Council ([Cal-IPC](#)) is vigilant in its efforts to prevent, detect and remove plant species detrimental to California to protect and restore waterways and wildlands. The CalIPC website provides information on invasive species including photographs and descriptions of invasive tree species.

The list of invasive tree species for the Bay Area include trees commonly found in San Jose.

Black Acacia (*Acacia melanoxylon*)

Tree-of-Heaven (*Ailanthus altissima*)

Blue Gum tree (*Eucalyptus globulus*)

Chinese Tallow Tree (*Sapium sebiferum*)

Tamarisk (*Tamarisk ramosissima*)

Russian-olive (*Elaeagnus angustifolia*)

Refer to the Cal-IPC site before selecting a tree or any shrubs, groundcover or other plant material to plant in the City of San Jose.



INVASIVE TREE  
*Ailanthus altissima*



INVASIVE TREE  
*Sapium sebiferum*

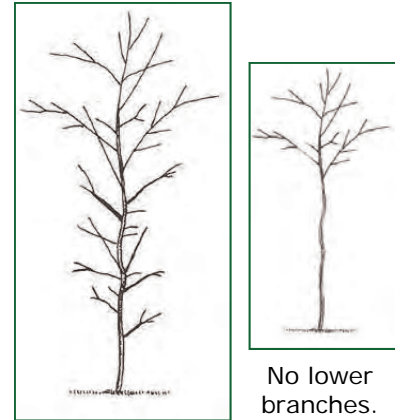
## Nursery Stock Selection

### General Guidelines

When choosing a young tree, make sure it is free of significant defects, such as poor branching structure, major wounds, overgrown roots, disease or insect infestations. Also look at the root structure. Trees that have been in their nursery containers too long have roots that have overgrown the available soil space and are circling around one another. Poor quality nursery stock is one of the major causes of poor tree growth and tree failure.

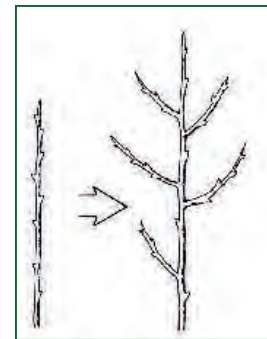
Choosing young trees that may not look like trees, but more like a tall shrub is highly recommended. The lower branches (less than 3/8" diameter) help the trunk to grow and become sturdy. The lower branches are only temporary and will be removed later. It may take two to three seasons of pruning before the tree form begins to develop, but it is then possible to make sure that the trunk develops good stability and the lowest branches are high enough to allow for safe pedestrian and vehicle traffic.

A guide to choosing good quality nursery stock was developed by the Urban Tree Foundation in cooperation with the UC Cooperative Extension. This guide has many excellent photographs showing both "good quality" and "bad quality" trees from roots to shoots. It contains a detailed checklist of characteristics that are both acceptable and not acceptable for nursery grown trees. Reading this guide is strongly recommended to professionals and homeowners before choosing any nursery plants. This guide can be found and downloaded for free at [The Urban Tree Foundation](http://www.urban-tree.org) website.



Good temporary branches.

No lower branches. Not as good.



Most young trees should have a single, central leader.

Illustration on this page by Edward F. Gilman, Professor, Environmental Horticulture Department, IFAS, University of Florida.

### Tree Inspection for City Projects

Container grown trees to be planted on City property or in the public right-of-way should be inspected by the installing contractor and City staff prior to planting the tree. Both above ground and below ground parts of the tree are inspected for conformity to species characteristics, pests and diseases, branch structure and root structure.

Branches should be uniformly spaced both vertically and radially along the trunk. A central leader should be present. The woody structural roots should be present within the top one inch of soil mix and flare out in a radial pattern from the trunk. No bruised, torn, sunken, discolored or soft tissues are acceptable on the trunk. No broken branches or other defective branches should be removed without approval of the City inspection staff.

The entire rootball must be inspected. To perform the root inspections, the tree should be removed from the container and inspected for the presence of circling roots. Small circling roots less than one-half inch in diameter may be easily removed before planting. However, circling roots on the inside of the rootball are not acceptable. A long knife or other probe must be used to check the rootball for circling roots within the rootball. If circling roots are present near the trunk that are greater than one-fourth inch in diameter the tree should be rejected. In some cases, circling roots can be pruned to correct this defect. The City arborist staff or inspection team must approve of any corrective pruning to the roots.



Fifteen gallon sized trees are typically planted.



The circling roots on these rootball are too large to be removed and the tree survive.



## How to Plant Trees in the City of San Jose

NOTE: The City of San Jose provides standard guidelines to developers and contractors for City projects involving planting street trees. The two City publications are [Streetscape Guidelines](#) and [Streetscape Standard Details](#). The *Guidelines* contain the written specifications for street landscape improvements including soil testing, nursery stock selection, planting procedures, etc. The *Details* contain the drawings for all aspects of street tree plantings for development projects. The following sections present general information for contractors and homeowners, but contractors shall adhere to the specifications, as written, for each individual project.



The San Jose Redevelopment Agency published a set of landscape guidelines for tree and landscape plantings in the Downtown Core. The landscape portion of the guidelines can be found in the Appendix I. The entire document [San Jose Downtown Streetscape Master Plan](#) is published on-line.



### Preparing the soil

#### Soil Testing

Prior to planting a tree in disturbed soil (recently graded) the City requires the developer or contractor to have the soil tested for nutrient content, chemical suitability and physical characteristics. The Appendix F contains both soil sampling guidelines (how to properly procure, package and submit a soil sample) and the types of tests to be performed.

Typically, any data generated from the soil samples are interpreted by the soil testing laboratory and recommendations for fertilizers and soil amendments (organic and inorganic) are provided to improve the characteristics of the soil.



### Tree Planting Pit

**Width:** The tree planting pit should be dug two to three times the diameter of the rootball of the tree being planted when possible. The planting width is often limited by hardscape surrounding the parkstrip (sidewalk, curb and gutter) or the size of the cutout in the sidewalk. The sides of the planting pit should be loose and free of auger slick.

**Depth:** The depth of the planting pit is shallow enough to allow for the top of the root ball (where the primary woody root flare out from the trunk) to be slightly above the soil grade on the outside of the planting pit. This depth is not the same as the depth of the rootball when pulled out of the container. The depth of the pit is equal to the depth of the rootball after any disturbance to the container soil depth has occurred.



### Root Barriers

Root barriers are no longer required by the City. The most effective way to prevent roots from breaking up your sidewalk is to select the proper species, plant the tree properly and care for the tree by deep-root watering (See **Hand Watering** below). The City does not prevent the installation of Root Barriers if the use is desired by the property owner. Follow the installation procedure provided by the manufacturer.



### Fertilizer and Amendments

For City projects the planting process for the contractor differs from the process for a homeowner.

For the contractor: The soil from the planting pit should be set aside and amended per the recommendations generated by the soil analysis. Most fertilizers and inorganic amendments can be mixed in the excavated soil.

The excavated soil mixed with inorganic amendments is used to backfill the planting pit. Organic amendments should only be mixed into the last batch of soil that is placed in the upper soil profile (0 to 8 inches deep in a clayey soil; up to twelve (12) inches deep in a sandy soil). Contractors and homeowners should avoid placing organic amendment below eight (8) to twelve (12) inches deep in the planting pit.

Homeowners typically do not need to add fertilizer or inorganic amendments.



Check the planting height.

## Planting the Tree

### Root Pruning

For street tree planting on City projects see previous Section [Tree Inspection for City Projects](#). Homeowners should also inspect the rootball of trees before buying and planting. Any root pruning that may be required should be minor in nature.

See the guidelines provided by the [Urban Tree Foundation](#) for more details.

### Backfilling the Planting Pit

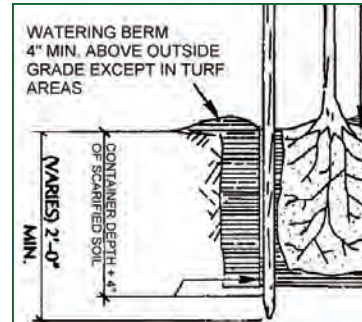
Set the tree so that the top of the rootball is slightly above the surrounding level of soil to allow for settling. Guidelines: 15 gallon size container should be set one inch (1") above surrounding grade; 24-inch box size trees should be set two inches (2") above surrounding grade. The added height is to allow for soil settling. Soil excavated from the planting pit (or if the soil analysis indicates, a contractor may be required to use imported topsoil ) should be placed from the bottom of the pit to within 8 to 12 inches of the top of the pit. No organic amendments should be placed at the lower depths. (See directions above, **Fertilizer and Amendments**).



Add amendments specified in the soil report.

### Watering Basin

Create a basin around the outer edge of the planting pit (not the outer edge of the rootball) by building a berm 4 inches high. The basin will provide adequate volume to keep the tree well watered. Soak the newly planted tree with approximately 10 to 20 gallons of water to settle the soil and collapse large air pockets. Cover the top of the rootball and surrounding bare soil with 3 to 4 inches of organic mulch, such as wood or bark chips, to conserve water and protect the roots from high temperatures. See section below.



### Organic Mulch

There are many benefits to placing a layer of wood chip mulch on the soil under woody trees and shrubs. Mulch can provide significant water savings during the summer months. The wood chip mulch over the bare soil helps to prevent the surface of the soil from "crusting," which often occurs when irrigation water evaporates too quickly. When the soil surface is crusty, water does not penetrate well and runs off the soil surface and into the gutter.



This photograph and more information on organic mulch can be found at the [UC IPM website](#).

Wood mulch also helps woody plants by protecting the roots that grow just under the soil surface. This surface soil can reach high temperatures quickly in the hot summer months. The temperature increase and the lack of water as the soil dries out kills the roots growing in the top few inches of soil. Organic mulch provides an insulated layer which prevents the soil from heating and drying out.



Newly planted median island in south San Jose with mulch groundcover.

As wood chip mulch decomposes it provides organic nutrients to woody plants that are not available in most fertilizers.

Finally, a mulch layer makes the landscape look neat, attractive and complete.

A three or four inch layer of wood chips is all that is really needed. That amount translates to about one cubic yard per 100 square feet. Often, free wood chip mulch can be obtained from tree service companies. [A Bay Friendly Guide to Mulch](#) can be downloaded for free by clicking on this link. Contractors working on City projects receive a package that contains specifications for the quality and type of mulch required for City projects.



### Tree Guards

Tree guards are not recommended or required by the City. Tree guards are designed to protect the trunk of the tree from landscape equipment like mowers and string-line trimmers. The recommendation from the City is to remove any vegetation that required trimming (e.g. turf) from any the area within two feet of the trunk of the tree and replace it with organic mulch. Weeds that grow within the two foot mulch area should be removed by hand. This practice will negate the need to have mowers or line trimmers near enough to the tree trunk to cause any damage.



Tree guards are not required or recommended. Instead, maintain edge of any vegetation at least two feet from the trunk.

### Staking

Research in the field of arboriculture shows that trees grow stronger when no stakes are installed. However, many trees from the nursery have not developed trunks strong enough to stand alone. When the trunk is weak or when the tree requires protection from vandalism, stakes may be needed.

Remove the nursery stake. The nursery stake is tied tightly to the trunk and causes serious injury to the trunk of the tree if left in place after planting. If damage from the nursery stake is noted at the time it is removed, the tree may require replacement if the wounds are serious.

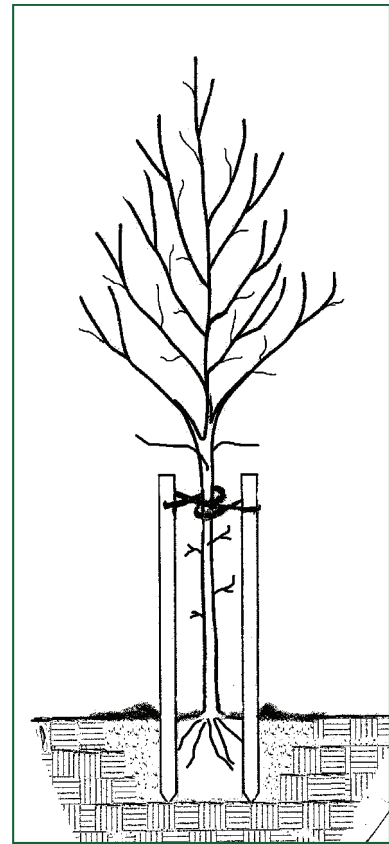




Two (2) two-inch diameter lodge pole pine stakes are required for City projects for use on 15-gallon size trees. Tree stakes and ties should be installed perpendicular to the direction of the prevailing wind. The height of the stake should be lower than the lowest permanent branch. This stake height may vary between three (3) and six (6) feet depending on the strength of the trunk and the height of the lowest branch.

*“Young trees with weak trunks should be supported at one level at least 1 m (3 ft) below the leader terminal and about 150 mm (6 in.) above the lowest level at which the trunk can be held and the top return upright after being deflected.”*  
- **Arboriculture**, 2004.

As important than the height of the stake is the distance between the stake and the flexible tie which should be no more than six inches (6”) from the top of the stake. Two tree ties are used and affixed to each stake. The flexible ties are installed with a twist around the trunk and secured with a nail or screw. The ties should be installed with enough slack to allow the trunk to sway. Ties can be made of recycled tires, elastic nylon shock cord or recycled watering hose.



Notes:

## Water and Soil Moisture

### Hand Watering

Once the tree is planted, keep it well watered for the first two to three years to help establish a deep root system. Water requirements will be greater and more frequent during hot summer days; less often if the tree is planted near turf or other groundcover that is watered frequently. Water requirements during the winter depend on rainfall, irrigation of adjacent plantings, the tree species and the soil type.



### Monitoring Soil Moisture

The best way to judge if the planting site requires additional water is to dig using a small shovel or trowel in the soil surrounding the rootball about four (4) to six (6) hours after water has been applied. The sample should be taken at a depth of six (6) to twelve (12) inches. A better tool to use to monitor soil water is a soil probe. Soil probes can be purchased at a nursery supply or hardware store.

Place a sample of the soil in the hand and squeeze it. If free water runs out or the hand remains wet and the soil sample is likely in a tight ball (if loamy to clayey in texture) – the soil is too wet. If the soil is moist to the touch and slightly crumbly – the soil water is near capacity and perfect after irrigation. If the soil sample is dry and feels like dust – water should be applied immediately.

The soil moisture for new tree plantings should be monitored weekly at minimum for the first two months and monthly thereafter to make sure you are on a good schedule for your soil and climate. For newly planted trees a sample should be obtained from near the bottom of the original rootball – usually about twelve (12) to sixteen (16) inches for a 15-gallon size tree. Water will often run through the nursery soil and accumulate at the bottom of the planting pit. The top may appear overly dry, when the bottom of the rootball may be supersaturated.

Apply enough water in the basin so that it fills, but drains within an hour or less. Apply water slowly so that it will percolate into the soil deeply, taking care not to apply water so fast that it runs off.



Using a 1" diameter soil probe to check for soil moisture.



Surrounding irrigation should not be allowed to create puddles in tree wells.

Young trees and those tree species that usually receive an abundance of rainfall need occasional deep watering to survive long, dry summers. NOTE: Trees newly planted in turf will require less water than trees planted in areas without turf. Be sure to check the lower twelve (12) inches of soil to determine watering needs.



### Free Trees from Our City Forest

Free trees may be available from the Tree Bank operated by the nonprofit organization, [Our City Forest](#) (OCF). OCF also provides assistance and educational materials to plant and care for trees.

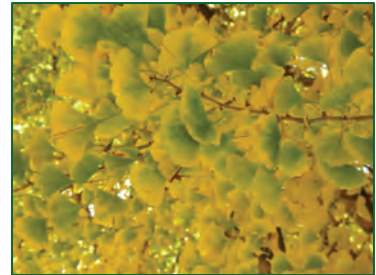


# CHAPTER 5

## Care of Trees in the City of San José

### Stewardship

The Community Forest provides benefits to every person who lives, works or plays in the City of San Jose. Planting and caring for trees is a gift of clean air, clean water and healthy living to our generation and many generations to come. Each of us shares a role as stewards of the Community Forest.



The Community Forest in San José comprises a diverse array of site locations from planted urban street trees, parks and gardens to native oak savannah and riparian corridor settings. The community forest provides continuing economic, social, environmental and ecological benefits. The community forest is the only infrastructure asset that continually increases in its value and its benefits to the community. The City of San José needs to recognize that the community forest is not a self-renewable asset, but requires human intervention to preserve, protect and enhance. Our stewardship responsibilities include partnering with and educating the community and regional stakeholders to provide thoughtful management, based on developing a knowledge-based, insightful decision making process. As the local government, it is our responsibility to foster and develop this vision of a community forest for every citizen of San Jose and the surrounding communities that depend on us.





## Monitoring

One of the most important aspects of tree care is the act of monitoring a tree. Preventative maintenance for trees provides for cost-effective minor repairs for these valuable living infrastructure assets, the same as for other community assets like streets, storm drains and lighting. Preventative maintenance for a tree eliminates the need for expensive repair work.

At the very least young established trees should be monitored on an annual basis to detect basic needs like water, pruning and mitigation for physical damage that may have occurred as a result of vehicles or vandalism. Newly planted trees should be monitored more frequently (see earlier section, Hand Watering). Mature size trees (15 to 25 years old, depending on species maybe more) should be monitored every five years at minimum. Overly mature trees should be monitored on an annual basis.

### Monitoring for Tree Health

Trees need to be examined from top to bottom to determine if the tree is healthy. Leaves, twigs, branches, trunk and, especially, the ground plane need to be assessed. Besides professional arborists, commercial gardeners and homeowners should be familiar with the signs and symptoms of tree problems. Below are a few questions to ask when monitoring tree health:

#### Leaves

- Are the leaves the right color for the species and the season?
- Are the leaves distorted, show signs of insect chewing or dead spots?
- Are any insects present or signs of insects, like sticky sap on the ground?
- Are leaves falling prematurely?



*Distorted leaves of this myoporum indicate insect damage*

### Twigs

Do the twigs have leaf growth to the tip?  
Are twigs distorted?



### Branches

Are broken or hanging branches present?  
Are branches discolored or oozing sap?  
Are branches too close or crossing and rubbing?

### Trunk

Is the trunk vertical or leaning?  
Is bark missing?  
Is sap or dark liquid oozing from the trunk?  
Are unusual overgrowths (galls) present?



*Galls and oozing are both apparent on this tree trunk*

### Ground Plane

Is soil moisture adequate?  
Are mushrooms present (often indicates over-watering)?  
Are weeds present?



Help with answers to questions like these can be found online at the [UC IPM](#) site or by calling the City Arborist staff.

## Monitoring for Tree Defects

Tree defects present potential danger if repairs are not completed in a timely manner. To help address this problem in the Community Forest, the USDA funded research and published a manuscript to help communities recognize and report tree defects. The document is written for both community members and professionals. It provides detailed information about detecting tree defects, what the defect indicates and how to manage tree risk. Also, the appendix contains the [USDA Community Tree Risk Evaluation Form](#) which can be printed and used as a guideline for monitoring community trees.



## Monitoring for Soil Moisture

### Irrigation System Design Considerations

Irrigation designed to water the tree should be placed so that both the rootball and the surrounding soil receive water. The irrigation head should not be placed on or at the base of the woody stem of a tree. The design should insure that water is placed on the surface and allows for enough water to moisten the soil profile to a twelve to eighteen inch depth for trees.

Irrigation for shrubs, groundcover and turf nearby should be designed to prevent the irrigation water from wetting the trunk of any tree for any duration.



Irrigation designers should be aware of the City of San Jose Municipal Code section 15.11 which details the requirements for water efficient landscapes. See Chapter 3, Permits and the Law.

### Soil Moisture and Infiltration Rates

Most standard irrigation systems apply water much too rapidly to allow deep water penetration. Instead, water runoff occurs well before the end of the irrigation cycle. The irrigation ends up in the wrong place - puddled on the surface or as runoff onto the concrete instead of in the plants.

A finely textured soil holds water tightly and accepts water very slowly. For example, a clay loam soil will hold about two inches of water per one foot depth of soil whereas a sandy loam holds about one inch of water. The infiltration rate (rate at which the soil will accept water) for the sandy loam is about 0.40 inches per hour, but the clay loam soil can accept only 0.15 inches per hour.





It is important to apply water slowly so that it does not to exceed the infiltration rate. This can be accomplished by 1) changing irrigation heads to types that apply reduced gallons per minute and 2) by "cycling" the irrigations. The point is that the irrigation system must supply water very slowly on more finely textures soils. Applying water too fast increases the tendency for water to puddle on the surface or run off the top resulting in little or no deep water.

### Cycling Irrigations

"Cycling" irrigations involves timing short irrigations back to back to provide deep water penetration and minimize run off. First, the irrigations system is run just until run-off begins. When run off starts, the water should be turned off for 1 -2 hours to give time for drainage and until any puddles dissipate. The irrigation cycle should then be repeated. Most new timers have the ability to run this type of cycling irrigations.

When a clayey soil is overly dry it is often necessary to provide remedial irrigations to re-wet the soil. Extremely dry clay soil has a tendency to become hydrophobic. That is, it loses the ability to absorb water. Water applied to extremely dry soil will often move through cracks in the soil or will puddle on the surface rather than absorbed into the clay particles. To irrigate extremely dry clay soils it is often necessary to re-wet the soil before turning on the automatic sprinklers. These soils can be most easily re-wet by applying water very slowly through a soaker hose or similar device.



The above images are provided courtesy of the [UC IPM website](http://ucipm.org) where you can find more information about irrigation.





## Pruning

### General Guidelines and Standards

Proper pruning can improve the health and appearance of your trees by helping to establish a strong basic branching structure that will serve the tree well for the rest of its life. Pruning mature trees removes weak or conflicting parts of the trees or branches that are rubbing against each other or structures. The goal of pruning is to insure that the tree develops strong branches to support the full weight of its canopy and has sufficient leaf surface for the tree to grow and be healthy.

San José follows the American National Standards Institute (ANSI) A300 Pruning Standard, a nationwide pruning standard prepared by professional arboricultural industry leaders and university researchers to insure the proper care of trees can be purchased at the [Tree Care Industry Association](#) website. The website also contains helpful information for non-professionals on correct pruning methods and other tree care practices that are available to download for free. The City endorses the use of the [ISA Best Management Practices](#) published by the International Society of Arboriculture (ISA) for tree related work performed by all professional tree care companies providing services within the City of San Jose.

The City does not provide funds for pruning street trees unless the pruning work is associated with other projects. For example, the City may prune trees before a major neighborhood street resurfacing project. The City does provide a low-income Senior/Handicapped Hardship program to pay for street tree pruning, removal or replacement for households that meet income guidelines. The Hardship Application for pruning or other tree needs can be obtained by calling the City Arborist Office.



Residents living in several [Special Districts](#), like Communications Hill, can contact the City DOT Landscape Services section that manages contract services to prune the street trees in your neighborhood.

## Pruning Techniques

Several different types of pruning techniques have been defined by professional arborists. In San Jose the two primary types of proper pruning performed are “structural pruning” and “clearance pruning”.

### Structural Pruning

Diseased branches sometimes need to be removed before they infect the rest of the tree. Dead or broken branches should also be removed. Branches that have sharp angles of attachment to the trunk, are deformed or defective should be removed. Most of these reasons to prune fall under the category of structural pruning. The City strongly recommends residents contact a professional tree service provider for structural pruning needs. (See section *Why Hire a Certified Arborist*).

### Clearance Pruning

Tree branches should not impede vehicle or pedestrian traffic. Woody branches should be maintained at a minimum height of fourteen feet above the roadway pavement and eight feet above the pedestrian walkway or sidewalk. This type of pruning can often be accomplished by the property owner. Specific instruction and guidelines for clearance pruning are provided with the Street Tree Pruning Permit. Additional information on proper pruning techniques is available through the International Society of Arboriculture at their site [Trees Are Good](#).



*Right-of-way trees in a special district, such as these along a paseo in Evergreen, are cared for by the Special Landscape Assessment Districts*



*Trees that do not meet the minimum height of 14' over the street and 8' over the sidewalk require a clearance prune*

### Clearance Pruning by PG&E

Occasionally, clearance pruning is required to remove potentially dangerous branches that, for example, threaten power lines or may hit against your roof on a windy day. PG&E has a Utility Line Clearing program and may be able to assist with clearing branches from the high voltage line (the ones at the top of the utility pole, not the lines that drop down to your home). If you have [Questions About Trees and Power Lines](#) visit this website.



*PG&E occasionally removes tree limbs to avoid contact with power lines*

### Illegal Pruning Practices

The harmful act of making large cuts to reduce branch length is called topping or heading. It is a misguided and injurious method of cutting a tree. When a tree is topped new shoots develop near the cut to make up for the loss of foliage. The new shoots are weakly attached, increasing the chance of branches to break off as they grow larger. Topping or severe pruning of more than 25% of the tree canopy within a growing season is not permitted. Topped trees are unattractive and more prone to disease and infestation, leading to an early death of the tree. The City can issue a citation for trees that are topped or pruned without obtaining a permit or for not following the pruning permit guidelines. See Chapter 3, **Permits and the Law, Illegal Pruning Citations.**



*Illegally topped tree*

### Unhealthy Pruning Practices

Misguided tree pruners remove the inner branches to “show off” the branch structure of the tree. This is called “stripping out” the tree. Although it may be aesthetically pleasing, this type of pruning practice is damaging to the long term health of the tree. The leaves are the food source for the tree. The food manufactured through the process of photosynthesis moves into the woody tissues attached to provide energy for growth. The food (starches, sugars and carbohydrates) is used by the immediately adjacent wood with the remaining not immediately used moving a little further away.



*Poor structure from previous heading*

A tree that has been stripped out is not providing adequate food for the growth of the branch end that is attached to the trunk. Over time the outside end of a branch that has been stripped out develops more growth than the inner part of the branch attached to the trunk where the leaves have been removed. This unbalanced growth usually results in branch failures.



*A stripped out eucalyptus tree*

### Why Hire a Certified Arborist

Tree work is often dangerous to the person performing the service, as well as, adjacent property. The tree care provider should be knowledgeable and skillful. A trained professional arborist is the best equipped person to hire for tree related work.

Businesses and persons offering tree care services are not licensed by the state, county or city for any level of competency or technical expertise for the services they provide. Professional arborists belong to national and international professional organizations that provide technical certifications and require continuing education for its member's certification. Tree care companies in the Bay Area who hold these higher standards employ members of the International Society of Arboriculture ISA who have qualified to be "Certified Arborists", "Certified Tree Workers" or "Board Certified Master Arborist". A list of certified arborists can be viewed at the ISA website [Why Hire an Arborist](#).





The American Society of Consulting Arborists (ASCA) also maintains a certification and requires continuing education for its members. ASCA members primarily provide consulting services, but some may also provide tree care services. Qualified ASCA members are titled “Registered Consulting Arborists”.

In addition to possessing a professional level of technical expertise, an arborist performing tree services should have each of the following:

- A City business license to legally prune trees in the City.

- State of California Contractor License Insurance coverage including personal and property damage, as well as, Workers’ Compensation.

- Good references from other customers that have hired the company to do similar work.

Arborist Reports may be required to obtain tree removal permits from the City of San Jose for private property trees. See Chapter 3, Permits and the Law. Guidelines for the content of an arborist report are in Appendix E.

## Maintenance of Surrounding Ground Plane

### Organic Mulch

Organic mulch (typically wood chips) is the healthiest soil cover for the area under the branches of trees. See discussion of mulch in the section titled, **How to Plant Trees in the City of San Jose**.



## Turf

A two foot area free of turf should be maintained at the base of the trunk of all trees, even if the tree is tolerant of the frequency and amount of water required to keep turf green in summer months. The two foot buffer between the turf and the tree should be covered by organic mulch. The buffer not only provides a “mower-free zone” to prevent trunk injury from equipment damage, but also allows an area to view the base of the trunk for monitoring purposes.

Turf should not be planted under the branches of drought tolerant native California trees, especially native oak trees. The area under the branches of these trees (dripline) should be covered in organic mulch only.

## Weeds

Weed whips should not be allowed near the tree trunk. Any weeds that invade the buffer zone of organic mulch should be removed by hand.

## Impervious Surfaces

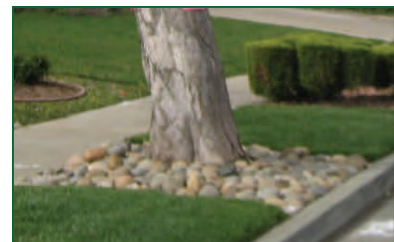
Decorative rocks, bricks and other treatments should not be placed at the base of the trunk. These treatments tend to cause surface soil compaction, reduce the movement of water and nutrients to the roots and can cause physical damage to the trunk and roots.

## Ivy

Ivy should be kept from growing up the trunk and into the canopy of a tree. Ivy can kill tree branches and eventually the entire tree by creating a dense shade that blocks sunlight from reaching the leaves of the tree. It can also create habitat for various rodents and insects.



*A minimum of two feet should be kept free of turf at the base of a tree*



*Decorative rock should not be placed at the base of a tree*



*Ivy growth can kill trees over time*

# CHAPTER 6

## Our City Forest

*This chapter was written by the staff of Our City Forest for this manual.*

### **CONTACT INFORMATION:**

**The OCF office is located at 151 West Mission Street, Suite 151, San José, CA, 95110. OCF can be reached by calling (408) 998-7337 or on the web at [www.ourcityforest.org](http://www.ourcityforest.org).**

## Background

Founded in 1994, Our City Forest (OCF) is a nonprofit organization dedicated to cultivating a green and healthy San José metropolis by engaging community members in the appreciation, protection, growth, and maintenance of our urban forest. The primary goal is to involve and educate the community in tree planting and care by providing a variety of year-round urban forestry services and programs not offered by the city. In the last 15 years, OCF has planted over 50,000 shade trees and mobilized over 150,000 community volunteers to participate in more than 3,000 planting projects. OCF has successfully obtained over \$5 million in city, state and federal grants to offer the following programs:

### Tree Stewardship Program

Individual residents, neighborhoods, schools, and parks are able to receive free shade trees from OCF. Before planting, applicants commit to a three-year stewardship program. This commitment ensures that every new tree planted will be cared for and properly maintained by a steward—a facility manager, teacher, class of students, or resident. Even after planting, OCF offers regular assistance to stewards by calling, visiting, and answering any questions they may have about tree care. Throughout the first three years, OCF tree maintenance crews revisit planting sites to perform tree maintenance, including mulching, restaking, and pruning.

### Community Plantings

Community plantings are larger tree planting events that take place at schools, neighborhoods, and parks. Depending on how many trees are being planted, one to as many as 100 volunteers will be involved in a single planting. At community plantings, volunteers learn the process of properly planting a tree—from digging their own hole and tickling the roots to providing sufficient water and mulch for its growth.

### Parks

OCF has coordinated the planting of thousands of park trees since 1994. OCF provides free trees for parks, when grants are available, and organizes volunteers to help plant. Park plantings provide an opportunity to plant tree species that may require more space than is available on a residential parking strip and are another great way to build community. OCF relays requests from the community to PRNS and works closely with parks staff during the planning stage. Concerns regarding species, planting locations, and ongoing tree care costs must be addressed prior to approval.

## Cool Schools Program

In providing free services to schools, Our City Forest conducts site visits to determine the right tree for the right space, develop a tree care plan, and arrange permits and clearances. OCF also obtains permits from the city or county for any street trees that are planned as part of the project. OCF will deliver the trees, coordinate and coach volunteers, inspect each tree to see if it is planted correctly, install stakes, distribute mulch and water, collect tree health reports for three years and provide pruning services. Tree management services, contractors, maintenance and removals vary by district.

## Tree Bank

OCF operates a Tree Bank Nursery that contains many native and common species of shade trees. Through grants, OCF purchases the trees from private local nurseries while also cultivating new trees from seedlings until they are large enough to be distributed to the community. One of the goals of the Tree Bank is to promote tree diversity by providing a large portion of native species that result in a sustainable, healthy urban ecosystem. Volunteers assist at the Tree Bank by maintaining the health of younger trees and preparing them for future plantings.

Currently, OCF is in the process of developing a Community Nursery and Training Facility at new three-acre site. Through a grant from the California Department of Forestry and Fire Protection (CDF) and assistance from the City of San José, the new facility will be a much larger Community Tree Bank and Training Center that will continue to service San José and the greater Santa Clara County area. The new facility will not only help support the ambitious Green Vision tree-planting goal, but also provide a sustainable and local source of high-quality trees, a long-time goal of Our City Forest.

## Planet Tree Educational Program

Planet Tree is a free educational program offered by OCF. It consists of classroom presentations and assemblies concerning the community forest and water conservation methods for schools, YMCA's, and any community organization targeting school-aged children in grades K - 8. Curriculum is tailored depending on grade level and generally focuses on the following: tree growth and anatomy, urban vs. rural forests, benefits of trees and the community forest, native tree species and their importance to the local environment.

## Guided Tree Tours

OCF's team of certified arborists provide guided tree tours of San José's community forest. Tours are conducted either on foot or onboard the 16-passenger Tree Mobile. Scheduled month-bymonth, tree tours explore the community forest in neighborhoods and parks across the city. Participants learn about urban and native tree species and the history of San José's community forest.

## Green and Healthy Neighborhoods Program

OCF offers free three-week classes in green living held throughout San José. OCF instructors teach simple and effective ways to decrease one's ecological footprint. Topics include water and energy conservation, eco-friendly landscaping, reducing household waste and eliminating



toxic household chemicals. Workshops include hands-on lessons and local resources to simplify the transition to green living.

### Every Tree Counts Campaign

Over the years, Our City Forest has established a solid partnership with the City of San José, working towards a common goal to educate residents and sustain the quality of our urban forest. In a recent effort to support San José's Green Vision—the 15-year plan for economic growth, environmental sustainability, and enhanced community living—OCF initiated the “Every Tree Counts!” campaign. The program empowers residents to become active urban forestry advocates by going online and recording the number of trees they have planted so that they can count toward reaching the City's Green Vision goal of 100,000 trees planted by 2022.

### Volunteer Opportunities with Our City Forest

Volunteers are the key to the success of Our City Forest. In 2010, over 4,000 volunteers dedicated a total of 13,000-service hours and planted over 1,750 trees at more than 746 locations throughout San José. Our City Forest is privileged to work with a large, diverse community of various ethnic and social categories. Our volunteers come from many different backgrounds and all walks of life—from high-school students to retirees, corporate workers to nonprofit members, adults with disabilities, at-risk youth, and local government officials. The contribution of individuals is evident throughout the programs at OCF, and the opportunities are endless. Our online calendar is designed specifically for finding upcoming events and registering for them by directly contacting a volunteer coordinator. Volunteers at the office help organize and assemble craft materials, translate bilingual outreach literature, or prepare outgoing newsletters. Out in the field at community tree plantings and the Tree Bank, they are the workforce of getting new trees planted and young trees repotted. Whether it's volunteering to fulfill community service hours or simply for the sense of fulfillment, volunteers are instilled with a greater appreciation for trees and a deeper knowledge of the urban forest.

Tree Amigos are a major strength at OCF. Each Tree Amigo has graduated from an in-depth, 18-hour training course, where they are empowered to become community educators and leaders, helping to coordinate tree plantings, conduct planting demonstrations, coach volunteers, and become familiar with native tree species and services provided by OCF. Since 1994, over 400 Tree Amigos have been trained, all of whom are committed to dedicating their time and resources to San José's urban forest.

A vital component to the workforce at OCF is the team of AmeriCorps service members. Since 2008, AmeriCorps members have been working for OCF in various departments. Paid a small stipend, members are committed to a one-year term of service and specialize in either urban forestry or education and outreach. In 2010, 40 AmeriCorps members have directly managed and trained volunteers, organized planting events, educated the public, and conducted classroom and special presentations.

## **Appendix A**

# **Contact Information**

# Contact Information

## City of San Jose Departments and Sections

Contact Name	Phone Number	Email
Arborist Office	(408) 277-2762	<a href="mailto:Arborist@sanjoseca.gov">Arborist@sanjoseca.gov</a>
Parks, Recreation and Neighborhood Services	(408) 535-3570	<a href="mailto:park.concerns@sanjoseca.gov">park.concerns@sanjoseca.gov</a>
Special Landscape Assessment Districts	(408) 794-1924	<a href="mailto:lsspecialdistricts@sanjoseca.gov">lsspecialdistricts@sanjoseca.gov</a>
Planning Division	(408) 535-3555	---
Code Enforcement Division	(408) 535-7770	---
Public Works Department	(408) 535-8300	---
Department of Environmental Svcs.	(408) 535-8550	---
Department of Aviation	(408) 392-3600	<a href="mailto:info@sjc.org">info@sjc.org</a>
DOT Dispatch Call Center	(408) 277-4373	---
Customer Service Call Center (General)	(408) 535-3500	<a href="mailto:customerservice@sanjoseca.gov">customerservice@sanjoseca.gov</a>

## Other Important Contacts

Contact Name	Phone Number	Email
Our City Forest	(408) 998-7337	<a href="http://www.ourcityforest.org">www.ourcityforest.org</a>
Santa Clara County Roads and Airport Department	(408) 573-2481	<a href="mailto:service.request@rda.sccgov.org">service.request@rda.sccgov.org</a>
Santa Clara County Department of Parks and Recreation	(408) 355-2200	<a href="mailto:parkinfo@prk.sccgov.org">parkinfo@prk.sccgov.org</a>
Santa Clara Valley Water District (Rick Austin)	(408) 265-2607 x 3861	<a href="mailto:raustin@valleywater.org">raustin@valleywater.org</a>
Directory of County School Districts	(web link):	<a href="http://www.sccoe.k12.ca.us/schooldirectory/districts/">http://www.sccoe.k12.ca.us/schooldirectory/districts/</a>
California Department of Transportation (Caltrans)	(510) 286-4444	Caltrans email form web link: <a href="http://www.dot.ca.gov/dist4/d4address_form.htm">http://www.dot.ca.gov/dist4/d4address_form.htm</a>
California Department of Fish and Game	(707) 944-5500	<a href="mailto:askbdr@dfg.ca.gov">askbdr@dfg.ca.gov</a>

## **Appendix B**

# **Frequently Asked Questions**

## Street Trees Frequently Asked Questions (FAQs)

Q: How do I know if I have a street tree?

A: Street trees are in the public right of way, which in most cases are located in a planting strip between the sidewalk and the curb. In some neighborhoods there is no planting strip and the sidewalk is located directly adjacent to the curb. In that case, a street tree is located behind the sidewalk, but still usually within 10 feet of the curb.

Q: How do I report a limb or tree that has fallen and is blocking the street/sidewalk?

A: The City of San José will respond to complaints of limbs/trees that are down if they are blocking a street or sidewalk and present an immediate hazard. To report a limb or tree that is blocking the street or sidewalk, please call (408) 277-4373. Pruning

Q: Will the City of San José prune my street tree?

A: The budget situation for the City of San José currently does not provide funding for the pruning of street trees, unless if it is associated with other projects such as the clearance pruning of street trees in preparation for major resurfacing of the neighborhood streets. According to the [San José Municipal Code Section 13.28.400](#) passed by the City Council, the maintenance of the street tree is the responsibility of the property owner.

Q: What if I can't afford to have my street tree pruned?

A: The City of San José does have a low-income Senior/Handicapped Hardship program which provides pruning or removal/replacement services to those property owners that can provide adequate documentation (Federal or State income tax returns, Social Security statements, etc) which verify that they do not exceed the income level.

Q: Do I need a permit to prune my street tree?

A: Yes, pruning permits are required for street trees. You may request a pruning permit by calling the City of San José at (408) 277-2762 or by submitting a [pruning permit request](#).

Q: How much does a pruning permit cost?

A: There is currently no fee for a street tree pruning permit. The permit is used to ensure that all trimming is done in a manner consistent with industry standards and which promotes proper tree development.

Q: Do I need to return the permit when the work is complete?

A: Yes, once the permit is returned, an inspector will be dispatched to ensure that all conditions of the permit have been met and that the work is consistent with accepted standards. Removal & Replacement

Q: What conditions will qualify my street tree for a removal permit?

A: The [San José Municipal Code Section 13.28.310](#) specifies those criteria that the Arborist's Office will use to evaluate whether a permit can be granted to replace your street tree.

Q: How long does it take to typically get a street tree removal permit?

A: Once you return your [street tree removal permit application](#), inspectors from the Arborist's office will normally be out within a week to evaluate the condition of your street tree. If they determine that the criteria in the Municipal Code have been met, a posting notice will be attached to your tree, as well as door hangers placed on the homes within 150' of the tree. The posting will be in place for 14 days, allowing time for other residents of San José who might object to the removal of the tree to file a written letter of protest. In no one protests, then the permit is typically granted within a few days. If someone does file a valid protest, then an informal hearing is scheduled within a few weeks to further discuss and review the matter.

Q: How much does a removal permit cost?

A: There is currently no cost for a removal and replacement permit.

Q: Do I have to replace my street tree once it is removed?

A: In most cases the answer is yes. Current City of San José standards establish that at least one tree be planted in front of interior single-family lots and three trees be planted on corner single-family lots. In some cases, there will be obstructions (close proximity to street lights, fire hydrants, utility vaults, stop signs, etc.) which may prevent the replanting of a new tree.

Q: Can I replant a different species than the one listed on my permit?

A: You can contact the Arborist's Office ([arborist@sanjoseca.gov](mailto:arborist@sanjoseca.gov)) to see if there are alternative species that will also do well at your location. The City Council has directed that shade trees rather than small trees, where there is adequate space, to be used as street trees wherever possible to help combat the urban heat island effect. To replant with a species that is different from that which was originally specified on your permit, you must submit a written request (email is fine) which clearly states which alternate species you prefer. If the change in species is approved, your permit will be modified to meet your request.

Q: Do I need to return the permit when the work is complete?

A: Yes. Once the permit is returned, an inspector will be dispatched to ensure that all conditions of the permit have been met and that the work is consistent with accepted standards.

## **Appendix C**

# **City of San Jose Municipal Codes**

Chapter 13.28 – Trees, Hedges and Shrubs

Chapter 13.32 – Tree Removal Controls



**Chapter 13.28**  
**STREET TREES, HEDGES AND SHRUBS**

Parts:

- 1 General Provisions
- 2 Powers and Duties
- 3 Permit Requirements
- 4 Maintenance Responsibility and Protection
- 5 Enforcement and Assessment

**Part 1**  
**GENERAL PROVISIONS**

Sections:

- 13.28.005 Purpose of provisions.
- 13.28.010 Definitions.
- 13.28.015 American National Standards Institute.
- 13.28.020 Corner lot.
- 13.28.025 Critical root zone.
- 13.28.030 Dead.
- 13.28.035 Director.
- 13.28.040 Emergency permit.
- 13.28.045 Hazardous condition.
- 13.28.050 Hedge.
- 13.28.055 Imminently hazardous condition.
- 13.28.060 Interior lot.
- 13.28.065 Park strip.

13.28.070 Planting easement.

13.28.075 Prune.

13.28.080 Public place.

13.28.085 Shrub.

13.28.090 Street.

13.28.095 Street tree.

13.28.100 Topping.

13.28.105 Tree.

### **13.28.005 Purpose of provisions.**

It is the purpose of this chapter to promote the health, safety, and welfare of the city by regulating the planting, removal, and maintenance of our community forest.

(Ord. 29000.)

### **13.28.010 Definitions.**

The definitions set forth in this part shall govern the application and interpretation of this chapter.

(Ord. 29000.)

### **13.28.015 American National Standards Institute.**

"American National Standards Institute (ANSI)" shall mean the most current version of ANSI A300 (Part 1 - Pruning) setting forth the standards and practices for the care and protection of trees, shrubs, hedges, and other plants.

(Ord. 29000.)

### **13.28.020 Corner lot.**

A "corner lot" shall mean any lot which is bounded on two or more sides by streets.

(Ord. 29000.)

### **13.28.025 Critical root zone.**

"Critical root zone" shall mean a defined circular area around a tree with a radius measured to the nearest foot of the tree's longest dripline radius plus one foot as illustrated below:

(Ord. 29000.)

**13.28.030 Dead.**

"Dead" shall mean a tree that is no longer alive, has been damaged beyond repair, or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs, or branches exist to sustain life) and has been determined to be in such a state by the director.

(Ord. 29000.)

**13.28.035 Director.**

"Director" shall mean the director of transportation of the City of San José or such other person designated by the city manager to administer and enforce the provisions of this chapter.

(Ord. 29000.)

**13.28.040 Emergency permit.**

"Emergency permit" shall mean a permit issued in cases where the director determines that a tree, shrub or hedge subject to this chapter presents an imminently hazardous condition.

(Ord. 29000.)

**13.28.045 Hazardous condition.**

"Hazardous condition" shall mean any tree, shrub or hedge that is or appears to be (i) dead; (ii) likely to fall; (iii) seriously diseased; (iv) an obstruction or potential obstruction to pedestrian or vehicular travel in any street; (v) an obstruction or potential obstruction to any traffic signs, traffic controls, streetlights, regulatory sign, or similar type of equipment or sign; or (vi) in a condition that is detrimental to the public health, safety, or general welfare.

(Ord. 29000.)

**13.28.050 Hedge.**

"Hedge" shall mean any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line or the group.

(Ord. 29000.)

**13.28.055 Imminently hazardous condition.**

"Imminently hazardous condition" shall mean a hazardous condition which presents an immediate threat to the health, safety or general welfare of the public which requires immediate action to abate.

(Ord. 29000.)

**13.28.060 Interior lot.**

An "Interior lot" shall mean any lot which is not a corner lot.

(Ord. 29000.)

**13.28.065 Park strip.**

"Park strip" shall mean that area of the street lying between the face of curb and the sidewalk.

(Ord. 29000.)

**13.28.070 Planting easement.**

"Planting easement" shall mean an easement in the name of the city for planting trees, shrubs or hedges contiguous to the public right-of-way for vehicular traffic.

(Ord. 29000.)

**13.28.075 Prune.**

"Prune" shall mean to remove any segment of the above or below-ground woody tissue of a tree, shrub, or hedge.

(Ord. 29000.)

**13.28.080 Public place.**

"Public place" shall mean any real property owned by, leased to or under the control of the City of San José.

(Ord. 29000.)

**13.28.085 Shrub.**

"Shrub" shall mean a bush, not a hedge, or a plant more than twelve inches tall but not more than six feet tall.

(Ord. 29000.)

**13.28.090 Street.**

"Street" shall mean a public right-of-way owned by or under the control of the City of San José whose primary function is to carry vehicular traffic and shall also include sidewalks, park strips and planting easements.

(Ord. 29000.)

### **13.28.095 Street tree.**

"Street tree" shall mean any tree that is planted on a street.

(Ord. 29000.)

### **13.28.100 Topping.**

"Topping" shall refer to the removal of branches from mature trees leaving stubs and large wounds on such trees.

(Ord. 29000.)

### **13.28.105 Tree.**

"Tree" shall mean any perennial, woody plant species or cultivar that reaches a height exceeding six feet at maturity, whether planted singly or as a hedge, and having secondary branches supported on a main stem or stems.

(Ord. 29000.)

## **Part 2 POWERS AND DUTIES**

Sections:

13.28.200 Powers and duties.

13.28.210 Authority to direct work on trees, shrubs, and hedges.

13.28.220 Heritage trees.

13.28.230 Prohibition of violation of chapter.

### **13.28.200 Powers and duties.**

The director may exercise the powers and duties that are provided in this chapter relating to street trees, shrubs and hedges, except such powers and duties as are vested in other officers or employees by the Charter or the Municipal Code.

(Ord. 29000.)

### **13.28.210 Authority to direct work on trees, shrubs, and hedges.**

The director shall direct and superintend all planting, removal, and maintenance, including cutting, pruning, trimming or topping of any trees, shrubs, and hedges in public places or on any streets, and any activities that may affect the critical root zone or aerial portions of a tree canopy, except those trees, shrubs, and hedges located in city parklands and in city-owned or controlled public buildings.

(Ord. 29000.)

**13.28.220 Heritage trees.**

A. Any tree which, because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the city council to have a special significance to the community shall be designated a heritage tree. Such trees shall be placed on a heritage tree list which shall be adopted by the city council by resolution, which resolution may be amended from time to time to add to or delete certain trees therefrom.

B. Any person who unlawfully vandalizes, mutilates, removes or destroys a heritage tree shall incur a civil penalty in an amount up to thirty thousand dollars 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.

(Ord. 29000.)

**13.28.230 Prohibition of violation of chapter.**

It shall be unlawful for any person to plant, remove, prune or maintain any trees, shrubs, or hedges or cause to the same to be done, in the city in violation of this chapter.

(Ord. 29000.)

**Part 3  
PERMIT REQUIREMENTS**

Sections:

- 13.28.300 Planting of street tree - permit required.
- 13.28.310 Pruning or removal of street tree - Permit required.
- 13.28.320 Permit application.
- 13.28.330 Development permit combined.
- 13.28.340 No permit required.
- 13.28.350 Amendment to permit.
- 13.28.360 Posting notice of street tree removal.
- 13.28.370 Presentation of permit on request.
- 13.28.380 Revocation of permit.

### **13.28.300 Planting of street tree - permit required.**

A. It shall be unlawful for any person to plant or install any street tree within the city, unless one of the following conditions exists:

1. A permit that allows the planting or installation of the street tree was issued by the director in accordance with this chapter; or

2. There is a valid written contract with the city for the planting or installation of street trees approved by the city manager or city council, as applicable.

B. Each permit to plant or install a street tree shall contain the following information:

1. Name of permit applicant;

2. Time period in which to complete the action specified or required in the permit;

3. Type and species of street tree to be purchased by permittee, at permittee's expense, to be planted; and

4. Location for planting the street tree.

(Ord. 29000.)

### **13.28.310 Pruning or removal of street tree - Permit required.**

A. Except as provided in this section, it shall be unlawful for any person to prune or remove any street tree, or do any construction work or activity that may affect the critical root zone of a street tree, without a permit issued by the director.

B. Each permit to prune or remove a street tree shall contain the following information:

1. Name of permit applicant;

2. Time period in which to complete the action specified or required in the permit;

3. Type and species of the replacement street tree to be purchased by permittee, at permittee's expense, and to be planted, if applicable;

4. Description of the pruning, if applicable; and

5. Location of removal of the street tree and replanting of the street tree or location of street tree to be pruned.

C. The director shall issue a permit to remove a street tree only if at least one of the following criteria is met:

1. The street tree is in a hazardous condition or imminently hazardous condition.

2. 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 street tree policy, guidelines, and best practices published by the director.

3. The street tree interferes with high tension electrical lines and the interference cannot be corrected by topping the street tree.

4. The street tree has caused extensive concrete damage and the concrete has been replaced more than once in the preceding ten years.

5. The street tree has done extensive sewer system damage that cannot be resolved by any other reasonable means.

6. The street tree is in conflict with an approved development permit for the adjacent property or right-of-way pursuant to Title 20 of this Municipal Code.

(Ord. 29000.)

### **13.28.320 Permit application.**

A. The director shall review each permit application for the planting, pruning, or removal of any street tree accepted for filing. As part of the review of each application, the director may request additional information from the applicant or conduct any investigation the director believes is necessary to complete the review. After the completion of the review of the permit application, the director shall provide notice to the applicant with a written decision to issue (as requested or modified) or deny the permit.

B. The notice shall be in a form prescribed by the director. The notice shall provide the opportunity for the applicant to object to the decision of the director. Any objection shall be made in writing to the director within seven calendar days of the date the notice was first mailed to the applicant. The director shall give the applicant who files a timely written objection an opportunity to be heard and will thereafter render a written decision regarding the requested permit within a reasonable amount of time, and such decision, subject to the objection process set forth in Section 13.28.360, will be final. The informal hearing may be conducted by phone, in person, in writing, or a combination thereof as required by the director.

(Ord. 29000.)

### **13.28.330 Development permit combined.**

The request for a street tree planting or removal permit pursuant to the provisions of this chapter may be included as part of an application for a development permit under the provisions of Title 20 of this Municipal Code. Where the request for a street tree planting or removal permit is included as a part of the development permit application under Title 20, the development permit may serve as the street tree planting or removal permit and be processed under the application, noticing, hearing and appeal provisions applicable to the development permit application, and no separate street tree planting or removal permit application and street tree planting or removal permit is required, so long as all of the substantive provisions and permit processing requirements of this chapter are met as a part of processing that development application.



(Ord. 29000.)

### **13.28.340 No permit required.**

A. Notwithstanding any provisions of this part, no permit shall be required for pruning or removing a street tree if any of the following criteria are met prior to any work being performed:

1. An imminently hazardous condition exists where the immediate pruning of a street tree(s) is necessary to protect the public health, safety or welfare. The person who performs the emergency work must not prune the street tree(s) more than is reasonably required to eliminate the imminently hazardous condition and must provide, within two business days of the completion of the emergency work, written notice to the director that includes a full description of the work completed, the exact location where the work was performed, and the basis for the emergency pruning.

2. An imminently hazardous condition exists and the director has provided written notice to the responsible property owner to take certain corrective action to abate the imminently hazardous condition and the work performed complies with the notice.

3. Removal of the street tree is required pursuant to the provisions of this Chapter 13.28.

4. Removal of the street tree is in connection with a city-approved public works project.

5. Removal of the street tree is in connection with a City of San José redevelopment agency project.

6. A development permit, or amendment thereto, that allows the removal of the street tree has been issued by the city and accepted by the permit applicant pursuant to the provisions of Title 20 of this Municipal Code.

(Ord. 29000.)

### **13.28.350 Amendment to permit.**

The director may issue an amendment to any permit issued pursuant to this part if the director makes all the required findings for the original permit and the additional finding that there are changed circumstances sufficient to justify the approval of the amendment.

(Ord. 29000.)

### **13.28.360 Posting notice of street tree removal.**

A. Any street tree for which a removal permit is required pursuant to Section 13.28.310, and the surrounding area, within one hundred and fifty feet on both sides of the street tree and on both sides of the street, shall be posted with a notice of proposed removal in accordance with this section, unless the director determines that such street tree poses an imminently hazardous condition.

B. The notice shall be in a form prescribed by the director, and shall be posted in a manner prescribed by the director, for a period of not fewer than fourteen calendar days to allow any objections to be filed with the director as set forth in Section 13.28.360C.

C. Any resident of the city who wishes to object to the proposed removal may file an objection in writing with the director that must be received within fourteen calendar days of the date the notice was first posted.

D. The proposed removal may be carried out seventeen calendar days from the initial date of posting if the director notifies the applicant that no timely written objection was received by the director.

E. The director shall give any person(s) who file(s) a timely written objection an opportunity to be heard and will thereafter render a written decision regarding the proposed removal. The informal hearing may be conducted by phone, in person, in writing, or a combination thereof as required by the director.

F. A copy of the director's decision shall be made available to any person who has filed a timely written objection, and such decision will be final.

(Ord. 29000.)

### **13.28.370 Presentation of permit on request.**

A. It shall be unlawful for any person to prune or remove or cause the same to be done to a street tree unless the permit or a copy of the permit allowing for this activity is maintained on the site where the street tree to be pruned or removed is located.

B. It shall be unlawful for any person to prune or remove or cause the same to be done to a street tree unless the permit or a copy of the permit can immediately be presented upon request to the director of planning, building, and code enforcement, director of transportation, police officers, and their designees.

C. It shall be unlawful for any person to engage in any work on the street tree or allow any work on the street tree that is the subject of the permit to occur unless and until: (1) the permit or a copy of the permit is located on the site where the subject tree is located; and (2) the permit or a copy of the permit is readily available for presentation upon request as described in this section.

(Ord. 29000.)

### **13.28.380 Revocation of permit.**

A. The director may revoke a permit issued pursuant to this part if the director determines any of the following:

1. The permit was obtained or extended by false, misleading, or incomplete information;
2. One or more conditions set forth in the permit have been violated; or
3. One or more provisions of this chapter have been violated.

B. The director shall give written notice of the revocation of the permit to the applicant. Any objection to the revocation shall be filed in writing by the applicant and received by the director within seven calendar days of the mailing of the notice. The director shall give the applicant who files a timely written objection an opportunity to be heard and will thereafter render a written decision within a reasonable amount of time. The informal hearing may be conducted by phone, in person, in writing, or a combination thereof as required by the director. The director's decision shall be mailed to the applicant, and such decision will be final.

(Ord. 29000.)

#### **Part 4**

### **MAINTENANCE RESPONSIBILITY AND PROTECTION**

Sections:

13.28.400 Property owner maintenance - Responsibility and duty to public.

13.28.410 Disclosure obligations upon sale or transfer of a residential real property.

13.28.420 Interfering with maintenance work or injuring street trees prohibited.

13.28.430 Diseased street trees - Inspection and removal.

13.28.440 Hazardous conditions; sight obstructions on private property.

#### **13.28.400 Property owner maintenance - Responsibility and duty to public.**

A. The property owner of a lot or portion of a lot adjacent to or fronting on any portion of a street shall maintain and replace, if necessary, any street trees, shrubs, hedges or other landscaping adjacent to or fronting on the subject property in such condition that the street trees, shrubs, hedges or other landscaping comply with this chapter. Each property owner shall plant and replace any removed or otherwise missing street trees in accordance with the requirements of Sections 13.28.300 and 13.28.310.

B. A property owner required by this section to plant, maintain, and replace, if necessary, street trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using streets to maintain such street trees, shrubs, hedges or other landscaping in a safe and nonhazardous condition for users of the streets. For purposes of this section, maintenance of street trees, shrubs, hedges and other landscaping 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.

C. A property owner required by this section to maintain any street trees, shrubs, hedges, or landscaping shall comply with the following:

1. Provide the necessary maintenance so that the street tree, shrub, hedge or landscaping is not in a hazardous condition or in a condition that will likely become a hazardous condition;

2. Provide a minimum eight-foot vertical pedestrian clearance from the top of the sidewalk and a minimum fourteen-foot vertical vehicular clearance from the top of the pavement, to any part of a street tree;

3. Provide adequate clearance for unobstructed pedestrian and vehicular view of all authorized traffic signals, traffic cameras, street lights, regulatory signs, street name signs, and other similar type of equipment or signs;

4. All maintenance shall be completed in accordance with the American National Standard Institute (ANSI);

5. Obtain a permit as required in Part 3 above.

D. If any property owner fails to maintain any adjacent street trees, shrubs, hedges or other landscaping in a nonhazardous condition as required by this part, and any person suffers damage or injury to person or property, the property owner shall be liable for all damages or injuries caused by the failure of the owner to maintain the adjacent street trees, shrubs, hedges or other landscaping in a non-hazardous condition.

(Ord. 29000.)

### **13.28.410 Disclosure obligations upon sale or transfer of a residential real property.**

A. Not less than seven business days before the sale or other transfer of residential real property concludes a selling or transferring property owner must disclose to the acquiring property owner, on a disclosure form provided by the city, whether the residential real property to be sold or transferred fully complies with the city's street tree maintenance and replacement requirements of Section 13.28.400.

B. If the selling or transferring property owner cannot determine whether street trees located on or adjacent to the residential property are substantially in compliance with the approved development permits for the property, or the property's approved development permits are inconclusive as to the requirements for the presence and location of street trees on or adjacent to the property, then the following requirements for the planting and presence of street trees shall apply:

1. The property must have one street tree for any adjacent street if it is an interior lot and at least three street trees if it is a corner lot, unless otherwise modified by the director in the interest of public safety.

2. If the current general plan requirements for street trees on or adjacent to the property differ from the requirements specified in Subsection B.1., then the current general plan requirements shall govern the number and location of street trees required on or adjacent to the property at the time of sale or transfer. If the property meets the general plan requirement, then the selling property owner must indicate such compliance with the general plan on the disclosure form provided to the acquiring property owner.

3. All street trees shall be planted in accordance with the requirements of Section 13.28.300.

C. Upon a written request, the director may grant the selling or transferring property owner an exemption in writing from the requirements of this section if the director determines in the interest of public safety that planting and maintaining street trees on or adjacent to the residential property at the time of sale or transfer is not appropriate. Such an exemption does not run with the land and shall not allow any deviations from the disclosure requirements upon residential real property sales or transfers for future sellers or transferors.

(Ord. 29000.)

### **13.28.420 Interfering with maintenance work or injuring street trees prohibited.**

A. No person shall in any way interfere with the city, its employees or contractors engaged in the planting, mulching, pruning, spraying, treating or removing of any street tree, or in the removing of stone, cement or other substance about the trunk of any street tree.

B. No person shall, except with written permission of the director, (a) damage, cut, carve, girdle or injure the bark of any street tree; (b) attach or keep attached, or cause the same, any sign, wire, device or injurious material to any such tree or to the guard or stake intended for the protection of such street tree; (c) allow any gaseous, liquid or solid substance, or pesticide, herbicide or similar chemical agent harmful to such street trees to come in contact with the roots, leaves, bark or any part of any such street tree; (d) construct concrete, asphalt or brick paving or otherwise fill up the ground area within four feet of any such street tree that may shut off air, light or water from the roots; (e) pile building material or other material about any street tree in any manner that will in any way injure such street tree; or (f) construct any raised planter around the street tree trunk.

C. As part of any construction work or activity of a building or structure, the owner or responsible party thereof shall place such guards around all nearby street trees as shall in the opinion of the director effectively prevent injury to them.

D. Tree stakes or guards may be placed around street trees by the department of transportation, or such other department designated by the city manager to administer or enforce this chapter, by city contractors or by owners of property abutting such street trees provided the same are merely placed near such street tree for the purpose of protecting or training such street trees.

E. Every person having any wire charged with electricity running through a street in the city shall securely fasten such wire so that it will not come in contact with any street tree therein; and no person shall, without the written permit of the director, attach any electric wire, insulator or any device for the holding of any electric wire or for bracing the poles which carry the same to any street tree growing or planted upon any street.

F. No person shall move any building or other object along any street in such manner as to injure any street tree. Whenever the director determines or reasonably believes that any street tree may be injured, the director may require any person moving a building or any other object along a street in the city to furnish a bond in an amount sufficient to cover the damage or destruction of such street tree.

(Ord. 29000.)

### **13.28.430 Diseased street trees - Inspection and removal.**

The director may inspect all street trees or cause the same to be inspected. Upon discovering that any such street tree is infected or infested with plant or animal life or growth, or any insect detrimental to the growth, health or life of such street tree, the director may remove, eradicate or destroy such condition or cause such be done. If any street tree is so infected or infested to such a degree that such condition cannot be removed, eradicated or destroyed by the usual means and efforts employed, the director may remove and destroy any such street tree, or cause such removal or destruction to be done.

(Ord. 29000.)

### **13.28.440 Hazardous conditions; sight obstructions on private property.**

A. No owner or person in possession or control of any premises shall maintain any tree, shrub, hedge or other landscaping located on such premises in a manner that causes or may cause a hazardous condition on a street.

B. No owner or person in possession or control of any premises on any corner or interior lot abutting upon a street shall permit the existence of any tree, shrub, hedge, landscaping, mound of earth, or boulders that obscure and impair the view of intersecting or entering traffic from a street of passing motorists or pedestrians or which impairs the view of the street signs, traffic signs, or any other control devices or signs placed upon the streets for the safety and convenience of the public.

(Ord. 29000.)

## **Part 5 ENFORCEMENT AND ASSESSMENT**

Sections:

- 13.28.500 Notice of violation.
- 13.28.510 Notice of violation - Delivery.
- 13.28.520 Notice of violation - Contents.
- 13.28.530 Notice of violation - Hearing.
- 13.28.540 Work performed by the city.
- 13.28.550 Emergency services performed by city.
- 13.28.560 Notice of hearing before city council.
- 13.28.570 Conference with director on notice of cost.
- 13.28.580 Report to city council.

- 13.28.590 Hearing on assessment costs
- 13.28.600 Assessment deemed a lien.
- 13.28.610 Lien - Recordation and collection.
- 13.28.620 Designated body.
- 13.28.630 Private arrangements for tree trimming or removal.
- 13.28.640 Liability limitation.
- 13.28.650 No interference with enforcement of this chapter.
- 13.28.660 Failure to give or receive notice.
- 13.28.670 Remedies.

**13.28.500 Notice of violation.**

If the director determines that the condition of any tree, shrub, hedge, or landscaping constitutes a violation of any provision of this chapter, the director shall, by notice in writing, notify the owner of the property in violation to prune or remove the tree, shrub, hedge, or landscaping or take any other necessary corrective action to cure the violation.

(Ord. 29000.)

**13.28.510 Notice of violation - Delivery.**

The notice of violation specified in Section 13.28.500 may be given by delivering a written notice personally to the property owner, or by mailing the notice, postage prepaid, to the property owner thereof at his or her last known address as the same appears on the last equalized assessment rolls of the county.

(Ord. 29000.)

**13.28.520 Notice of violation - Contents.**

A. Any notice of violation issued by the director pursuant to Section 13.28.500 shall contain the following information:

1. The date of the inspection.
2. The address or a description of the property upon which such tree, shrub, hedge, or landscaping is located, or the property which fronts upon the street on which such tree, shrub, hedge, or landscaping is located.
3. A description of the violation.

4. A description of the corrective action required to address the violation.
5. A definitive time period to complete the corrective action.

(Ord. 29000.)

### **13.28.530 Notice of violation - Hearing.**

The notice of violation shall further specify that the property owner receiving such notice may file with the director his or her written objection to such notice and such written objection must be received by the director within seven calendar days of the notice. The written objection shall clearly outline the objection to the notice and the basis for such objection. The director shall duly review all timely written objections that comply with this section and provide the property owner with an opportunity to be heard, and will thereafter render a written decision within a reasonable amount of time to sustain, overrule, or amend the notice of violation. The written decision of the director shall be provided to the owner in the manner specified in Section 13.28.510, and such decision will be final.

(Ord. 29000.)

### **13.28.540 Work performed by the city.**

A. If the corrective action required by notice is not completed within the time specified in the notice of violation, the city shall have the authority to perform this work or cause this work to be performed and the owner of the affected property shall be billed for the costs incurred. The property owner shall be responsible for all costs associated with the corrective action including costs of planting, removal or pruning of the tree, shrub, hedge, or landscaping, administration time and expense, late charges, and the handling of any lien placed on the property owner's property due to failure of the property owner to pay within the required period.

B. After the city completes the corrective action as set forth in this section, the city shall mail an invoice to the property owner. The property owner shall remit full payment to the city on or before the date specified in the invoice.

C. Any invoice not fully paid by the date specified on the invoice shall be deemed delinquent and the director shall initiate the assessment procedures set forth in this part.

(Ord. 29000.)

### **13.28.550 Emergency services performed by city.**

A. In cases of imminently hazardous conditions, the director shall have the authority to perform or cause to be performed the corrective work to abate the imminently hazardous condition without observance of any notice requirements. The property containing a tree, shrub, hedge, or landscaping that poses an imminently hazardous condition or the property adjacent to or fronting on the subject street tree, shrub, hedge, or landscaping that poses an imminently hazardous condition may be assessed for the costs incurred in accordance with this part.



B. The owner of a property containing a tree, shrub, hedge, or landscaping that poses an imminently hazardous condition or adjacent to or fronting on a street tree, shrub, hedge, or landscaping or a property containing a tree, shrub, hedge, or landscaping that poses an imminently hazardous condition for which the city takes corrective action shall pay any costs and expenses associated with the emergency services, including costs of removal of the tree, shrub, hedge, or landscaping, administration time and expense, late charges, and the handling of any lien placed on the property owner's property due to failure of the property owner to pay within the required period. The city shall send an invoice to the property owner setting forth the costs and expenses as described herein and the date specified for full payment to the city.

C. If the property owner has failed to pay the invoice, the director shall issue a notice of cost informing the property owner of the failure to pay the invoice and that failure to pay the amount will result in the initiation of proceedings to place a lien against the property owner's property.

(Ord. 29000.)

### **13.28.560 Notice of hearing before city council.**

After completion of the work and failure of a property owner to pay the amounts set forth in the invoice, the director shall cause notice of the public hearing on the cost to be given to the property owner in the manner specified in this part, which shall specify the day, hour and place when the city council will hear and pass upon a report by the director of the cost of the work, the amount proposed to be assessed against the property, together with written objections, if any, which may be raised by any person liable to be assessed for the cost of such work.

(Ord. 29000.)

### **13.28.570 Conference with director on notice of cost.**

The director may include with the notice of hearing, as specified in Section 13.28.560 hereinabove, notice of a conference with the director. The conference, which may be scheduled by the director upon receipt of the written objection specified in Section 13.28.560, shall be conducted prior to the city council hearing for the purpose of discussion between the property owner and the director of the costs of the work. Upon the conclusion of the conference, the director shall note his or her conclusions in the report to the city council together with any recommendations for adjustment of the costs of the work.

(Ord. 29000.)

### **13.28.580 Report to city council.**

If the property owner does not pay the invoice by the required date, the director shall prepare and file with the city council a report specifying the work which has been done, the cost thereof, a description of the real property upon which the tree, shrub, hedge, or landscaping was located or of the real property adjacent to or fronting upon the street on which such street tree, shrub, hedge, or landscaping was located and the assessment against the parcel of land proposed to be levied to pay the cost thereof.

(Ord. 29000.)

### **13.28.590 Hearing on assessment costs.**

A. Upon the day and hour fixed for the hearing, the city council shall hear and pass upon the report of the director, together with any written or oral objections which may be raised by any property owner liable to be assessed for the corrective work. The city council may make such modifications in the report as it may deem just, after which, by resolution, the report as submitted or as modified shall be confirmed. The decision of the city council on all objections shall be final and conclusive.

B. This hearing serves to provide the full opportunity of a person subject to an invoice to be heard and object to the determination that a violation occurred and was not corrected. The failure of any person to appear at the hearing shall constitute a failure to exhaust administrative remedies.

(Ord. 29000.)

### **13.28.600 Assessment deemed a lien.**

The cost of any corrective action may be assessed by the city council against the parcel of property upon which the tree, shrub, hedge, or landscaping is located, or the parcel of property which fronts upon or is adjacent to the street on which such street tree, shrub, hedge, or landscaping is located, and such cost so assessed, if not paid within five days after its confirmation by the city council, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid, or until discharged.

(Ord. 29000.)

### **13.28.610 Lien - Recordation and collection.**

The city council, after confirmation of the report of the director, may order a notice of lien to be delivered to the county recorder, who shall enter the amount thereof on the county assessment book opposite the description of the particular property, and the amount shall be collected, together with all taxes against the property. Thereafter, the amount of the lien shall be collected at the same time and in the same manner as taxes against the property are collected, and shall be subject to the same penalties and interest, and to the same procedure under foreclosure and sale in case of delinquency.

(Ord. 29000.)

### **13.28.620 Designated body.**

As an alternative to the procedures set forth in this part, the public hearing before the city council and the imposition of a special assessment lien may be conducted and imposed by a designated body pursuant to Chapter 1.18 of this Municipal Code.

(Ord. 29000.)

### **13.28.630 Private arrangements for tree trimming or removal.**

The director may cut down, trim or remove any trees in any street, or remove any trees in any street or which overhang any street, or cause the same to be done, by private arrangement for reimbursement to the fund from which the expenditure by city was made, with the owner of any lot or parcel of land upon which, or fronting upon which the trees are situated.

(Ord. 29000.)

### **13.28.640 Liability limitation.**

Nothing contained in this chapter shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep trees, shrubs, hedges, or landscaping upon said private property, or under his or her control or upon streets in front of or contiguous to such private property, in a safe condition.

(Ord. 29000.)

### **13.28.650 No interference with enforcement of this chapter.**

No person shall interfere with or delay the authorized representative of the city from the execution and enforcement of this chapter except as provided by law.

(Ord. 29000.)

### **13.28.660 Failure to give or receive notice.**

The failure to post, mail or deliver by personal service any notice required under this chapter or the failure of any person to receive such notice shall not affect the validity of any proceedings or actions taken by the city or its employees, agents or contractors under this chapter.

(Ord. 29000.)

### **13.28.670 Remedies.**

The provisions of this chapter are nonexclusive and supplementary to any existing rights and remedies, and the provisions of this chapter may be enforced by any remedies provided for in this municipal code or otherwise available at law. Violations of this chapter may be prosecuted criminally, civilly, or administratively, either undertaken separately or in conjunction with other remedies, at the sole discretion of the city. Nothing in this chapter shall be deemed to prevent the city from commencing any administrative or legal proceeding to enforce this chapter, Municipal Code, or any law.

(Ord. 29000.)

**Chapter 13.32**  
**TREE REMOVAL CONTROLS**

Sections:

- 13.32.010 Purpose of provisions.
- 13.32.020 Definitions.
- 13.32.030 Removal of live tree.
- 13.32.040 Removal of dead tree.
- 13.32.041 Removal of unsuitable tree.
- 13.32.045 Presentation of permit on request.
- 13.32.047 Posting of permit.
- 13.32.050 Certified arborist report.
- 13.32.060 Penalty.
- 13.32.070 Permit application.
- 13.32.080 Development permit combined.
- 13.32.090 Review of permit application - General.
- 13.32.095 Review of permit application - Administrative procedures for unsuitable trees.
- 13.32.100 Permit findings.
- 13.32.110 Action on a permit.
- 13.32.120 Appeal procedures.
- 13.32.130 Safeguarding trees during construction.
- 13.32.140 Heritage trees.
- 13.32.150 Failure to give or receive notice.

### **13.32.010 Purpose of provisions.**

It is the purpose of this chapter to promote the health, safety, and welfare of the city by controlling the removal of trees in the city, as trees enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased storm water quality, reduce flood hazards and risks of landslides, increase property values, reduce the cost of construction and maintenance of draining systems through the reduction of flow and the need to divert surface waters, contribute to energy efficiency and the reduction of urban temperatures, serve as windbreaks and are prime oxygen producers and air purification systems.

(Prior code § 8930; Ord. 26595.)

### **13.32.020 Definitions.**

Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this chapter:

A. "Certified arborist" means an individual who has demonstrated knowledge and competency of arboriculture through the obtainment of an arborist certification from the International Society of Arboriculture, or its successor organization if that organization no longer exists, or who is a member of the American Society of Consulting Arborists, or its successor organization if that organization no longer exists.

B. "Dead tree" means a tree that is no longer alive, has been removed beyond repair, or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life) and has been determined to be in such a state by a certified arborist during a non-dormant or other natural stage of the tree that would minimize the likelihood that the tree would be mistakenly identified as being in such a dead state.

C. "Director" means the director of planning, building and code enforcement of the City of San José or such other person designated by the city manager to administer and enforce the provisions of this chapter.

D. "Dripline" means the area around the base of a tree directly under the canopy cover of the tree and extending out as far as the canopy.

E. "Live tree" means any tree that is not a dead tree.

F. "Ordinance tree" means a tree defined in this section hereinbelow and whose removal or topping is covered by and subject to the provisions of this chapter.

G. "Remove" means eliminate, take away, uproot or destroy. For purposes of this chapter, "remove" also means taking any action that reasonably and foreseeably will lead to the death of a tree or to permanent significant damage to the health or structural integrity of a tree. Such actions can include, without limitation and by way of example, excessive pruning, cutting, girding, poisoning, or watering of a tree; the unauthorized relocation or transportation of a tree; excessive excavation, alteration, or grading of the soil within the dripline of a tree, or excessively bruising, tearing or breaking the roots, bark, trunk or branches of a tree.

H. "Topping" means cutting the branches of an ordinance tree in a manner that destroys the existing symmetrical appearance or natural shape of the tree and involves the removal of main lateral branches and leaving the trunk of the tree or major branches of the tree with a stub appearance.

I. "Tree" means any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six inches or more in circumference at a height of twenty-four inches above natural grade slope. For purposes of this chapter, a multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four inches above natural grade slope. "Tree" shall include the plural of that term.

J. "Unsuitable tree" means a live tree or dead tree on a lot that is used for a one-family dwelling as defined in Section 20.200.320, where the tree is not a heritage tree as defined in Section 13.32.140, a candidate for heritage tree status, or a palm tree in the palm haven conservation area and meets at least one of the following criteria:

1. The part of the tree trunk nearest to a one-family dwelling is five feet or less from the nearest above-grade part of that one-family dwelling; or

2. The part of the tree trunk nearest to a below-grade utility pipe or line of a one-family dwelling is five feet or less from the centerline of that below-grade utility pipe or below-grade utility line of a one-family dwelling; or

3. The tree belongs to a species that has been found by the city council to be uniquely less compatible with the immediate environment because the species is invasive or non-native to the San José region or is susceptible to disease. Such tree species shall be placed on an unsuitable tree species list which shall be adopted by the city council by resolution, which resolution may be amended from time to time to add or delete certain tree species.

(Prior code § 8931; Ords. 21363, 26595, 29195.)

### **13.32.030 Removal of live tree.**

It shall be unlawful for any person to remove, or cause to be removed, any live tree, as defined in Section 13.32.020, from any private parcel of land in the city unless one of the following conditions exists:

A. Removal of the tree is required pursuant to the provisions of Chapter 13.28; or

B. A development permit that allows the removal of the tree has been issued and accepted by the permit applicant pursuant to the provisions of Title 20 of this Municipal Code; or

C. An amendment to a development permit that allows the removal of the tree has been issued and accepted pursuant to the provisions of Title 20 of this Municipal Code; or

D. A tree removal permit that allows the removal of that tree has been issued and accepted pursuant to the provisions of this chapter.

(Prior code § 8932; Ords. 21363, 26595.)

### **13.32.040 Removal of dead tree.**

It shall be unlawful for any person to remove, or cause to be removed, any dead tree, as defined in Section 13.32.020, from any private parcel of land in the city unless the following conditions exist:

A. A report prepared and executed by a certified arborist has been submitted to the director upon the director's request documenting that the tree qualifies as a dead tree pursuant to the definition set forth in Section 13.32.020 above; and

B. Only after the condition set forth in subsection A. has been satisfied, either one of the following additional conditions exist:

1. A development permit adjustment that allows the removal of the dead tree has been issued and accepted by the permit applicant pursuant to the provisions of Title 20 of this Municipal Code; or

2. A tree removal permit that allows the removal of the dead tree has been issued and accepted by the permit applicant pursuant to the provisions of this chapter.

(Ord. 26595.)

### **13.32.041 Removal of unsuitable tree.**

It shall be unlawful for any person to remove, or cause to be removed, any unsuitable tree, as defined in Section 13.32.020, from any private parcel of land in the city unless a tree removal permit that allows the removal of that unsuitable tree has first been issued and accepted by the applicant pursuant to the provisions of this chapter.

(Ord. 29195.)

### **13.32.045 Presentation of permit on request.**

A. It shall be unlawful for any person to remove or cause to be removed a live tree or dead tree, as defined in Section 13.32.020, from any private parcel of land in the city unless the permit or a copy of the permit is maintained on the site where the tree to be removed is located.

B. It shall be unlawful for any person to remove or cause to be removed a live tree or dead tree, as defined in Section 13.32.020, from any private parcel of land in the city unless the permit or a copy of the permit can immediately be presented upon request to the director of planning, building, and code enforcement, police officers, and their designee.

C. It shall be unlawful for any person to engage in any tree removal activity or allow any activity to remove the tree that is the subject of the permit to occur unless and until: (1) the permit or a copy of the permit is located on the site where the subject tree is located, and (2) the permit or a copy of the permit is readily available for presentation upon request as described in this section.

(Ord. 27978.)

### **13.32.047 Posting of permit.**

A. It shall be unlawful for any person to remove or cause to be removed a live tree or dead tree, as defined in Section 13.32.020, from any private parcel of land in the city unless a copy of the permit is posted on the parcel on which the subject tree is located prior to commencement of and during any actions involving removal of the tree as follows:

1. The copy of the permit shall be a minimum size of eight and one-half (8.5) by eleven (11.0) inches, posted at each public street frontage within two (2) feet from the public right-of-way, and posted in such a manner that the permit is readable from the public right-of-way; or

2. If the parcel that is the subject of the permit does not have a public street frontage, a copy of the permit shall be posted at a location where the permit is readable from a common access driveway or roadway.

B. It shall be unlawful for any person to engage in any tree removal activity or allow any activity to remove the tree that is the subject of the permit to occur unless and until the permit is posted as described in this section.

(Ord. 27978.)

### **13.32.050 Certified arborist report.**

In addition to the requirement for a certified arborist report pursuant to the provisions of Section 13.32.040, the director may require the applicant to submit a report prepared and executed by a certified arborist whenever the removal of any tree is proposed and the director determines that he or she needs additional information documenting that any or all of the criteria for a tree removal permit clearly exist.

(Ord. 26595.)

### **13.32.060 Penalty.**

Any person who unlawfully removes or has unlawfully removed a live tree or dead tree, or causes or has caused the unlawful removal of such a tree, shall be subject to any appropriate enforcement action by the city, which action may include without limitation the issuance of an administrative citation and the imposition of an administrative fine in the amount set forth in a schedule of administrative fines set forth by resolution of the city council.

(Ord. 26595.)

### **13.32.070 Permit application.**

A. Any person, unless required to do so by the provisions of Chapter 13.28, desiring to remove any live tree that is not an unsuitable tree from any private parcel of land in the city, as set forth in Section 13.32.030, shall file a written application on a form provided by the director, setting forth therein, among other things, the number, type, size and location of each tree and the reason for removal of each tree.



B. Any person, unless required to do so by the provisions of Chapter 13.28, desiring to remove any dead tree that is not an unsuitable tree from any private parcel of land in the city, as set forth in Section 13.32.040, shall file a written application on a form provided by the director, setting forth therein, among other things, the number, type, size and location of each tree, the reason for removal of each tree, and the certified arborist's report assessing the condition of tree and the time frame in which the assessment occurred.

C. Any person, unless required to do so by the provisions of Chapter 13.28, desiring to remove any unsuitable tree from any private parcel of land in the city, as set forth in Section 13.32.041, shall file a written application on a form provided by the director, setting forth therein, among other things, the number, type, size and location of each unsuitable tree, and information clearly establishing that the tree qualifies as an unsuitable tree.

(Prior code § 8934; Ords. 21363, 26595, 29195.)

### **13.32.080 Development permit combined.**

The request for a tree removal permit pursuant to the provisions of this chapter may be included as part of an application for a development permit under the provisions of Title 20 of this Municipal Code. Where the request for a tree removal permit is included as a part of a development permit application under Title 20, the development permit may serve as the tree removal permit and be processed under the application, noticing, hearing and appeal provisions applicable to the development permit application, and no separate tree removal permit application and tree removal permit shall be required, so long as all of the substantive provisions and permit processing requirements of this chapter are met as a part of processing that development permit application.

(Ord. 26595.)

### **13.32.090 Review of permit application - General.**

A. The provisions of this section shall apply to tree removal permit applications for trees that are not unsuitable trees as defined in Section 13.32.020, subject to the provisions of Section 13.32.095D. below.

B. The director shall conduct an investigation on each application for a tree removal permit accepted for filing.

C. Each such investigation shall include an opportunity for the following persons to appear before and be heard by the director on the condition of the tree and whether it should be removed: (1) the applicant; and (2) the owners and occupants of property contiguous to the parcel upon which the tree or trees proposed to be removed is or are located or directly across a public street which abuts such parcel.

D. The director shall not act upon any tree removal permit application until and unless the director has first given the applicant, owners and occupants an opportunity to be heard thereon.

E. Notice of the time and place at which the applicant, owners and occupants may appear before the director and be heard on the application shall be given by mailing the same to the applicant, postage prepaid at the address shown for such purposes on the application, to such owners, postage prepaid, at their last known address as the same appears upon the last equalized assessment rolls of the County of Santa Clara, and to such occupants postage prepaid at the address of the parcel on which the said tree or trees to be removed is or are located and at the address of the parcel directly across the public street which abuts such parcel on which said tree or trees is or are located. All such notices shall be mailed at least five days before the date on which the applicant, owners and occupants will be heard.

F. The form of the notice shall be as prescribed by the director.

(Ords. 26595, 29195.)

### **13.32.095 Review of permit application - Administrative procedures for unsuitable trees.**

A. The director shall review each application for a tree removal permit for an unsuitable tree accepted for filing.

B. The director may, in the director's sole discretion, approve a tree removal permit for an unsuitable tree.

C. The director's decision pursuant to this section is an administrative determination and requires no hearing or notice.

D. The action of the director is final. If the application is denied, nothing in this section shall preclude the applicant from filing, and such applicant may file, an application for a tree removal permit for live trees or dead trees that are not unsuitable trees pursuant to this chapter.

(Ord. 29195.)

### **13.32.100 Permit findings.**

A. Neither the director nor the planning commission on appeal shall issue a permit for the removal of any tree, other than an unsuitable tree, on any private parcel of land in the city unless the director or the commission on appeal makes at least one of the following findings:

1. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of this chapter as set forth in Section 13.32.010; or

2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

3. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal; or

B. In connection with an application to remove a dead tree, the director or the planning commission on appeal shall consider whether the subject tree was in any way injured, removed or caused to be injured or removed by the applicant, in addition to the findings required to be set forth pursuant to the provisions hereinabove.

C. The planning director shall not issue a permit for the removal of an unsuitable tree on any private parcel of land in the city unless the director finds that the tree is an unsuitable tree as defined in Section 13.32.020.

(Prior code § 8935; Ords. 21363, 26595, 29195.)

### **13.32.110 Action on a permit.**

A. In taking action on a tree removal permit application, the director or the planning commission on appeal, if applicable, may deny the application or issue a tree removal permit for one or more trees and concurrently deny removal for one or more trees.

B. The director or the planning commission on appeal, if applicable, may make any permit that they issue subject to such terms, provisions and conditions as they may deem reasonably necessary to secure the general purposes of this chapter.

C. The director or the planning commission on appeal, if applicable, shall impose as a condition on the issuance of any permit for the removal of any tree the requirement that a suitable replacement tree or trees as determined by the director or the planning commission on appeal be or cause to be provided, installed and maintained by the permittee at no cost to the city.

D. The replacement tree requirement set forth in this section shall be roughly proportionate to the tree replacement needed to alleviate and address the burdens and other impacts created by allowing the removal of the tree or trees under the permit, except that the director or the planning commission on appeal may increase by a reasonable amount the number of replacement trees to be provided, installed and maintained by the permittee where it is specifically found based upon evidence in the record that the permittee injured or removed or caused the injury or removal of a dead tree that is a subject of the permit without first obtaining a tree removal permit.

(Ords. 26595, 29195.)

### **13.32.120 Appeal procedures.**

A. Except for actions of the director on unsuitable trees, any action of the director may be appealed to the planning commission by the applicant or by any of the property owners or occupants of the parcels of land adjacent to or across the street from the property upon which the tree or trees proposed for removal are located. The person making the appeal shall do so by filing a written notice of appeal within ten days after notice of such action is mailed to the applicant at the address shown for such purpose on his application and to such owners mentioned in Section 13.32.090 at their last known address as the same appears upon the last equalized assessment rolls of the county and to such occupants mentioned in Section 13.32.090 at the address of the parcel on which the tree or trees to be removed is or are located and at the address of the parcel directly across the public street which abuts such parcel on which said tree or trees is or are located.

B. Such notice of appeal shall be filed with the director on a form furnished by the director. The information and data required to be set forth in the form shall be as prescribed by the director. The director may refuse to accept any such notice of appeal unless the notice is signed and all data is set forth and shown as required by the form.

C. When such notice of appeal has been accepted and filed by the director, within the time provided, the director shall, subject to the applicable rules of the planning commission, set a date of hearing thereon by the planning commission and notify the planning commission of such setting. Such date of hearing shall be not less than fifteen days nor more than thirty days after the notice of appeal was accepted and filed.

D. The director shall give notice of the hearing to the appellant or appellants, and the applicant, owners and occupants by mailing same at least five days before the date set for hearing, to the appellant or appellants at the address shown for such purpose on his or their notice of appeal, and to the applicant, owners and occupants at the address to which the director's action was mailed and said director shall also file with the planning commission at its hearing on appeal the application, notice of appeal, the action appealed from, and all other things filed with the director in connection with the application.

E. The planning commission shall hear all matters on appeal de novo and shall take action within a reasonable time after conclusion of its hearing.

(Prior code § 8936; Ords. 12363, 26595, 29195.)

### **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.

(Ords. 21362, 26595.)

### **13.32.140 Heritage trees.**

A. Any tree as the term "tree" is defined in Section 13.28.020 located on private property which, because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the city council to have a special significance to the community shall be designated a heritage tree. Such trees shall be placed on a heritage tree list which shall be adopted by the city council by resolution, which resolution may be amended from time to time to add to or delete certain trees therefrom.

B. Any person who unlawfully vandalizes, grievously mutilates, removes or destroys such a heritage tree shall be subject to any appropriate enforcement action by the city, including without limitation the imposition of an administrative citation with the imposition of a civil penalty in the amount set forth by resolution of the city council for each such tree so vandalized, mutilated, removed or destroyed.

(Ords. 21362, 26595.)

### **13.32.150 Failure to give or receive notice.**

The failure to post, mail or deliver by personal service any notice required under this chapter or the failure of any person to receive such notice, shall not affect the validity of any proceedings or actions taken by the city or its employees, agents or contractors under this chapter.

(Ords. 21362, 26595.)

## **Appendix D**

# **Public Right-of-Way Tree Removal Posting Notice**

# **TREE REMOVAL** **REQUEST**

(per San José Municipal Code Section 13.28.140)

This notice has been posted to notify you that there is a request for a permit to remove the tree to which this notice is attached. Any individual who maintains a residence within the City of San José who wishes to protest the removal of this tree may file a letter of protest within **fourteen (14) days** of the posting date on this notice. All protests must be submitted in writing to the **City of San José Arborist's Office, 1404 Mabury Road, San Jose, CA 95133**, or by FAX **(408) 297-6796** or by email to **arborist@sanjoseca.gov**.

Upon receipt of a protest, the City of San José Arborist will schedule an informal hearing to allow all interested parties the opportunity to express their concerns. The City of San José Arborist will provide a written decision on the removal of this tree to all participants in the hearing. If you have any additional questions regarding the removal of this tree or the application process, please call the City of San José Arborist's Office at **(408)277-2762**.

## **REASON FOR REMOVAL REQUEST:**

Sewer Damage	Water Meter Damage	Sidewalk Damage
Curb/Gutter Damage	Dead/Dying	Disease/Pest Problem
Structural Defects	New Construction	City Required
Property Owner requested	Other _____	

**DATE OF POSTING:** \_\_\_\_\_

**NUMBER REPLACEMENT TREES REQUIRED:** \_\_\_\_\_

**This notice is NOT a Tree Removal Permit. This tree may not be removed without the written permission of the City of San José Director of Transportation, City of San José Arborist or other authorized representative.**

## **Appendix E**

# **Private Property Tree Removal**

Live Tree Removal Application

Dead Tree Removal Application

Unsuitable Tree Removal Application

Tree Removal Arborist Report Criteria



## INSTRUCTIONS FOR FILING A LIVE TREE REMOVAL APPLICATION

### PURPOSE

The purpose of this process is to promote the health, safety, and welfare of the city by controlling the removal of large trees in the city on private property, as trees enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased storm water quality, reduce flood hazards and risks of landslides, increase property values, contribute to energy efficiency and the reduction of urban temperatures, serve as wind-breaks and are prime oxygen producers and air purification systems. Please note that the City has different permit processes for the removal of street trees (located between the curb and sidewalk), dead trees, and trees of a particular species and on-site location deemed "Unsuitable Trees".

### Dead Trees:

- A dead tree requires a Dead Tree Removal Permit. This is an administrative permit and does not require a Director's Hearing. A Dead Tree Removal Permit application is available from the Planning Department.

### Unsuitable Trees:

- An Unsuitable Tree requires an Unsuitable Tree Removal Permit. This is an administrative permit and does not require a Director's Hearing. An Unsuitable Tree Removal Permit application is available from the Planning Department.

### Street Trees (Trees in the Public Right-of-Way):

- A common example of a tree on public property is a street tree that is located within the parkstrip or the area between the curb and the sidewalk. Permits to remove these trees are available online at the City of San Jose Department of Transportation website.

**All other ordinance-sized trees (trees over 56 inches in circumference) on private property require a Live Tree Removal Permit and submittal of this application and other items as noted.**

### DEFINITIONS

A "tree" shall mean any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six (56) inches or more in circumference at a height of twenty-four (24) inches above natural grade slope.

A multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four (24) inches above natural grade slope. (Per Chapter 13.32 of Title 13 of the San Jose Municipal Code.)

An "Unsuitable Tree" is a live tree or dead tree on a single family lot which is not a Heritage Tree, a candidate for a Heritage Tree, or a Palm tree in the Palm Haven Conservation Area. An Unsuitable Tree is one in which the tree trunk is five (5) feet or closer to an above-grade part of a single-family dwelling or the centerline of a below-grade utility pipe or line or belongs to a species found by the City Council to be uniquely less compatible with the immediate environment. These species are: Eucalyptus, Liquidambar, Palm, Pine, Tree of heaven, and Tulip.

### INSTRUCTIONS

Please complete the attached application and deliver it to the Development Services Center, 1st floor, along with:

1. **Plot Plan.** One (1 ) copy of a legible plot plan of the property drawn to scale with the following: (Please see sample plot plan on page 5)
  - **Location** of existing buildings, driveways and accessory structures, powerlines, with dimensions.
  - **The type, size, and condition** of trees to be removed, with accurate dimensions showing the location of these trees. "Size" means the trunk circumference measured at two (2) feet above natural grade level.
  - **Replacement tree(s)** are required and must be shown on the Plot Plan. Show the location and size of the replacement tree(s).
  - **Show any other trees** on the property that are to remain.
2. **Provide photographs** (printed on 8 1/2" x 11" sheets of paper) which show the entire tree(s).
3. **Attach any evidence explaining why the tree(s) should be removed based on the following:**
  - a. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of this chapter as set forth in Section 13.32.010; or
  - b. That the location of the tree with respect to

**PLEASE SUBMIT THIS APPLICATION TO THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**

a proposed improvement unreasonably restricts the economic development of the parcel in question; or

- c. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal

4. Please indicate if the tree(s) to be removed are being used for nesting by birds or other animal species.

**Certified Arborist's Report.** In addition to the items required in Steps 1, 2, and 3, a report prepared by a Certified Arborist may be necessary but is not required with the original submittal.

**Noticing the Neighborhood.** Public Hearing Notices are prepared by the Department of Planning, Building and Code Enforcement. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents (adjacent for single family residences and 300 feet for all others).

## 5. FEES.

**Fees are subject to change. Please refer to the FEE SCHEDULE for details regarding the break down of applicable filing and public noticing fees. The fee schedule is available at: <http://www.sanjoseca.gov/DocumentCenter/View/574>**

## PROCESSING and SCHEDULING

### Planning Staff:

- Reviews application and materials (please note incomplete applications will be returned)
- Processes applications in order received
- Prepares a recommendation to the Director of Planning based on the Mandatory Findings. (City of San Jose Municipal Code, Title 13, Section 13.32.100)

### Director of Planning:

- Reviews the recommendation and approves or denies the request.
- Will notify the Applicant of the Director's determination by mail.

### Appeal:

- The appeal process only applies to live trees and trees that are not Unsuitable Trees. Any action by the Director may be appealed by the applicant, the property owners or adjacent property owners to the Planning Commission within ten (10) days after said notice is mailed to the Applicant.

## ADDITIONAL INFORMATION

### Director's Hearing:

- Notice of the time and place of the Director's Hearing will be mailed to the Applicant. These hearings are held on Wednesday mornings at 9 a.m. in the Council Chambers.

### Heritage Trees:

- On June 14, 1986, the City Council created the Heritage Tree List. The Heritage Tree List provides for the official recognition and protection of trees on both private and public property that are of special significance to the community because of their history, girth, height, species or unique quality. To find out if the tree(s) you want to remove is a Heritage Tree, please go to this link: [http://www.sanjoseca.gov/tree/trees\\_heritage.asp](http://www.sanjoseca.gov/tree/trees_heritage.asp) or contact the City Arborist at (408) 794-1915 or [arborist@sanjoseca.gov](mailto:arborist@sanjoseca.gov)

## LIVE TREE REMOVAL APPLICATION

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)				
SITE ADDRESS OR LOCATION DESCRIPTION		STAFF USE ONLY		
ASSESSOR'S PARCEL NUMBER(S) (Found on your tax bill or garbage bill)				
CHECK EXISTING LAND USE:	RESIDENTIAL:	TREE LOCATION:		
<input type="checkbox"/> INDUSTRIAL	<input type="checkbox"/> SINGLE-FAMILY LOT			
<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> TWO-FAMILY LOT	<input type="checkbox"/> PRIVATE LOT	FILE No: _____ FEE(S): _____ RECEIPT #: _____ DATE: _____ BY: _____	
<input type="checkbox"/> MIXED USE	<input type="checkbox"/> MULTI-FAMILY LOT	<input type="checkbox"/> IN COMMON AREA		
GROSS ACRES OF THE SITE: _____		Minimum Submittal Requirements: 1. Explain the reasons why the tree(s) should be removed on Page 2. 2. Attach ONE (1) copy of the PLOT PLAN. 3. Submit PHOTO(S) of TREE(S), printed in 8 1/2" x 11" sheets of paper. 4. FEES.		
NUMBER OF TREES TO BE REMOVED _____				
TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL			DISTANCE FROM TRUNK TO DWELLING STRUCTURE OR UNDERGROUND UTILITY
TREE A _____	_____			_____
TREE B _____	_____	_____	ATTACH A SEPARATE SHEET OF PAPER TO DESCRIBE ADDITIONAL TREES.	
TREE C _____	_____	_____		
PRINT NAME OF PROPERTY OWNER(S)				
MAILING ADDRESS		CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ( )	FAX # ( )	E-MAIL ADDRESS		
SIGNATURE (AND PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER)				
If signing with Power of Attorney, a copy of the document giving you Power of Attorney must be attached to this application. If there are additional property owners, please attach a separate sheet to provide the above information.				
TO BE COMPLETED BY PLANNING STAFF				
PREVIOUS PERMIT FILE:	COUNCIL DISTRICT	QUAD NO.	ZONING	

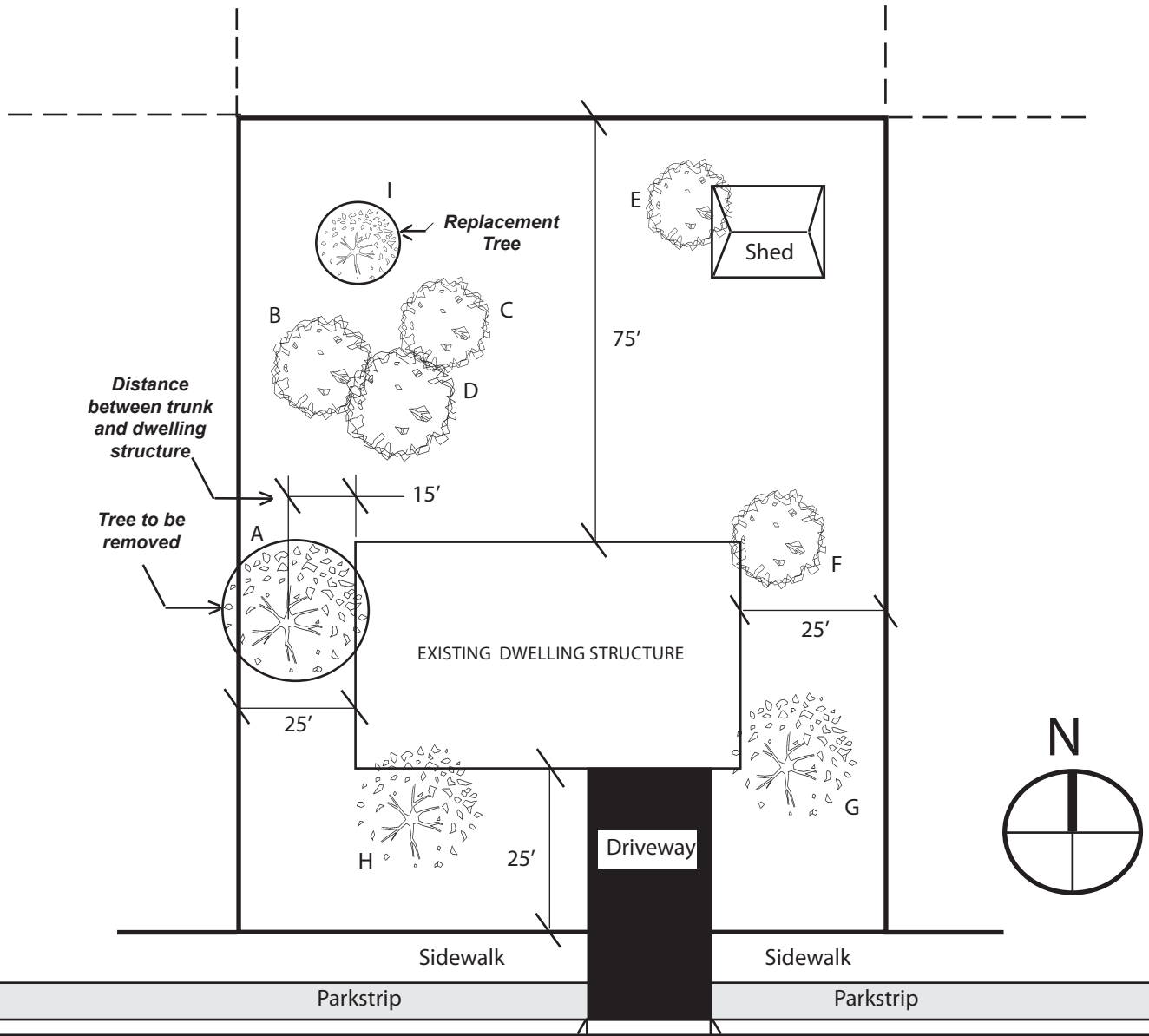
**PLEASE SUBMIT THIS APPLICATION TO THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**

# LIVE TREE REMOVAL APPLICATION

CONTACT PERSON			
PRINT NAME OF CONTACT PERSON			
MAILING ADDRESS		CITY	STATE
ZIP CODE			
DAYTIME TELEPHONE # (     )	FAX # (     )	E-MAIL ADDRESS	
PLEASE USE THIS SPACE TO EXPLAIN THE REASONS WHY THE TREE(S) SHOULD BE REMOVED. ATTACH ADDITIONAL SHEETS IF NECESSARY. IF THE TREE IS DEAD, PLEASE PROVIDE SUPPORTING EVIDENCE AND/OR DOCUMENTATION.			
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>			
PLEASE INDICATE IF THE TREE(S) TO BE REMOVED ARE BEING USED FOR NESTING BY BIRDS OR ANIMAL SPECIES. PLEASE LIST SPECIES, NAMES, IF KNOWN.			
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**PLEASE SUBMIT THIS APPLICATION TO THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**

# SAMPLE PLOT PLAN



TYPE	Circumference in inches/replacement size	CONDITION	DISTANCE	STATUS
A	Ash 62	diseased	15ft	to be removed
B	Oak 26	healthy	10ft	to remain
C	Oak 22	"	"	"
D	Oak 30	"	"	"
E	Juniper 20	"	"	"
F	Juniper 20	"	"	"
G	Ash 50	"	"	"
H	Ash 52	"	"	"
I	Ash 1 15-gallon	healthy		replacement for tree 'A'

**PLEASE SUBMIT THIS APPLICATION TO THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**

## INSTRUCTIONS FOR FILING A DEAD TREE REMOVAL APPLICATION

### DEFINITION

A “tree” shall mean any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six (56) inches or more in circumference at a height of twenty-four (24) inches above natural grade slope.

A multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four (24) inches above natural grade slope.

(Per Chapter 13.32 of Title 13 of the San Jose Municipal Code.)

### INSTRUCTIONS

Please complete the attached application and **call for an application appointment to the Department of Planning, Building and Code Enforcement** of the City of San Jose, along with:

1. **Plot Plan/Photographs.** Two (2) copies of a legible plot plan of the property drawn to scale showing (*For your convenience, we have included a sample plot plan.*):
  - Location of existing buildings, driveways and accessory structures, powerlines, with dimensions.
  - The type, size, and condition of trees to be removed, with accurate dimensions showing the location of these trees. “Size” means the trunk circumference measured at two (2) feet above natural grade level.
  - Replacement tree(s) are required and must be shown on the Plot Plan. Show the location and size of the replacement tree(s). Single-family residences, for each tree removed, a 15-gallon replacement tree must be planted on the site and shown on the plan. For all other non-single-family uses, please contact the Planning at (408) 535-3555 to obtain information regarding replacement tree requirements.

- Show any other trees on the property that are to remain.
  - **Provide photographs which show the entire tree(s).**
2. **Certified Arborist’s Report.** If the photographs provided do not clearly show that the tree(s) is dead, then you will need to obtain a certified arborist’s report prior to the acceptance of this application to verify the condition of the tree(s).
  3. An Assessor’s Parcel Number (APN). It can be found in the tax or garbage bill or go to the following website: [www.scc-assessor.org/ari](http://www.scc-assessor.org/ari).
  4. Attach any evidence explaining why the tree(s) should be removed. If the grounds for removal are based on the health of the tree, the Director of Planning may require a report prepared by an ISA Certified Arborist stating that the tree is diseased or dying.
  5. Please indicate if the tree(s) to be removed are being used for nesting by birds or other animal species.
- 6. FEES.**
- Single-family or Two-family lots - **no fees**
  - Multiple Family, Commercial & Industrial Properties **\$329.00 (includes General Plan Update fee)**
7. **Please call for an application appointment at (408) 535-3555. This appointment is located on the 2nd floor of City Hall.**

**PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, 1ST FLR, CITY HALL. APPOINTMENTS ARE NOT REQUIRED BUT MAY BE ACCOMMODATED BY CALLING (408) 535-3555.**

**PROCESSING SCHEDULE**

**Planning Staff:**

- Reviews application and materials
- Reviews Heritage Tree Inventory
- Determines if an arborist's report is required, accepts or rejects application
- If application is accepted, then prepares Tree Removal Permit and recommendation to the Director of Planning for consideration

**Director of Planning:**

- Reviews the recommendation and approves or denies the request
- The Applicant is given the permit and plot plan with the Director's determination at the counter or within 24 hours of filing the application
- The Director's determination is final and cannot be appealed

**Trees in the Public Right-of-Way:**

- The Tree Removal Application only applies to trees on private property. If the problem tree is located on public property, please contact the City Arborist at (408) 277-2762. A common example of a tree on public property is a street tree that is located within the parkstrip or the area between the curb and the sidewalk.

**Heritage Trees:**

- On June 14, 1986, the City Council created the Heritage Tree List. The Heritage Tree List provides for the official recognition and protection of trees on both private and public property that are of special significance to the community because of their history, girth, height, species or unique quality. To find out if the tree(s) you want to remove is a Heritage Tree, please call (408) 535-3555.

## DEAD TREE REMOVAL APPLICATION

**TO BE COMPLETED BY APPLICANT**  
(PLEASE PRINT OR TYPE)

SITE ADDRESS OR LOCATION DESCRIPTION ASSESSOR'S PARCEL NUMBER(S) (Found on your tax bill or garbage bill)	<b>STAFF USE ONLY</b>  FILE No: _____ FEE(S): _____ RECEIPT #: _____ DATE: _____ BY: _____		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">           CHECK EXISTING LAND USE:  <input type="checkbox"/> INDUSTRIAL      <input type="checkbox"/> RESIDENTIAL:  <input type="checkbox"/> COMMERCIAL      <input type="checkbox"/> SINGLE-FAMILY LOT  <input type="checkbox"/> MIXED USE        <input type="checkbox"/> TWO-FAMILY LOT                                             <input type="checkbox"/> MULTI-FAMILY LOT         </td> <td style="width: 50%; border: none;">           TREE LOCATION:  <input type="checkbox"/> PRIVATE LOT  <input type="checkbox"/> IN COMMON AREA         </td> </tr> </table>	CHECK EXISTING LAND USE: <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL: <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> SINGLE-FAMILY LOT <input type="checkbox"/> MIXED USE <input type="checkbox"/> TWO-FAMILY LOT <input type="checkbox"/> MULTI-FAMILY LOT	TREE LOCATION: <input type="checkbox"/> PRIVATE LOT <input type="checkbox"/> IN COMMON AREA	
CHECK EXISTING LAND USE: <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL: <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> SINGLE-FAMILY LOT <input type="checkbox"/> MIXED USE <input type="checkbox"/> TWO-FAMILY LOT <input type="checkbox"/> MULTI-FAMILY LOT	TREE LOCATION: <input type="checkbox"/> PRIVATE LOT <input type="checkbox"/> IN COMMON AREA		

GROSS ACRES OF THE SITE: \_\_\_\_\_

NUMBER OF TREES TO BE REMOVED _____  <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 40%; text-align: center;">TREE TYPE</th> <th style="width: 60%; text-align: center;">CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL</th> </tr> </thead> <tbody> <tr> <td>TREE A _____</td> <td>_____</td> </tr> <tr> <td>TREE B _____</td> <td>_____</td> </tr> <tr> <td>TREE C _____</td> <td>_____</td> </tr> </tbody> </table> <p><b>ATTACH A SEPARATE SHEET OF PAPER TO DESCRIBE ADDITIONAL TREES.</b></p>	TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL	TREE A _____	_____	TREE B _____	_____	TREE C _____	_____	<b>REMEMBER TO:</b> 1. Explain the reasons why the tree(s) should be removed on Page 2. 2. Attach <b>TWO</b> copies of the <b>PLOT PLAN</b> and Assessor's Parcel Map to this application. 3. Submit <b>PHOTO(S) OF TREE(S)</b> .
TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL								
TREE A _____	_____								
TREE B _____	_____								
TREE C _____	_____								

PRINT NAME OF PROPERTY OWNER(S) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

DAYTIME TELEPHONE # (    )	FAX # (    )	E-MAIL ADDRESS
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SIGNATURE (AND PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER) \_\_\_\_\_

If signing with Power of Attorney, a copy of the document giving you Power of Attorney must be attached to this application. If there are additional property owners, please attach a separate sheet to provide the above information.

**TO BE COMPLETED BY PLANNING STAFF**

PREVIOUS PERMIT FILE:	COUNCIL DISTRICT	QUAD NO.	ZONING
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**PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, 1ST FLR, CITY HALL. APPOINTMENTS ARE NOT REQUIRED BUT MAY BE ACCOMMODATED BY CALLING (408) 535-3555.**



# DEAD TREE REMOVAL APPLICATION

CONTACT PERSON			
PRINT NAME OF CONTACT PERSON			
MAILING ADDRESS		CITY	STATE
ZIP CODE			
DAYTIME TELEPHONE # ( )	FAX # ( )	E-MAIL ADDRESS	

**PLEASE USE THIS SPACE TO EXPLAIN THE REASONS WHY THE TREE(S) SHOULD BE REMOVED. ATTACH ADDITIONAL SHEETS IF NECESSARY. IF THE TREE IS DEAD, PLEASE PROVIDE SUPPORTING EVIDENCE AND/OR DOCUMENTATION.**

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**PLEASE INDICATE IF THE TREE(S) TO BE REMOVED ARE BEING USED FOR NESTING BY BIRDS OR ANIMAL SPECIES. PLEASE LIST SPECIES, NAMES, IF KNOWN.**

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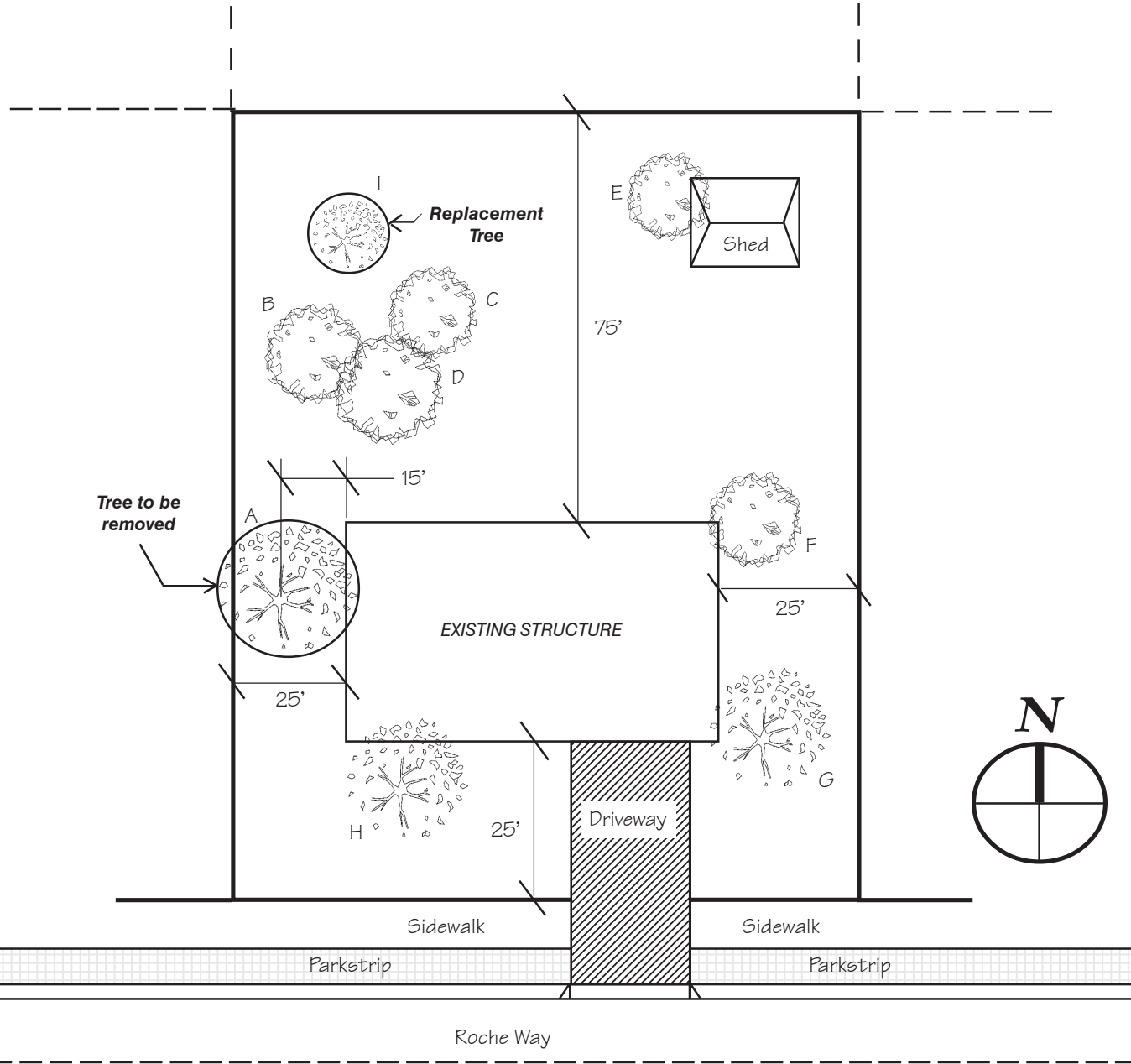
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Dead Tree Removal.pm65/Applications Rev. 5/18/2009

# SAMPLE PLOT PLAN



	TYPE	Circumference in inches/replacement size	CONDITION	STATUS
A	Ash	62	diseased	to be removed
B	Oak	26	healthy	to remain
C	Oak	22	"	"
D	Oak	30	"	"
E	Juniper	20	"	"
F	Juniper	20	"	"
G	Ash	50	"	"
H	Ash	52	"	"
I	Ash	115-gallon	healthy	replacement for tree 'A'

**PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, 1ST FLR, CITY HALL. APPOINTMENTS ARE NOT REQUIRED BUT MAY BE ACCOMMODATED BY CALLING (408) 535-3555.**

## INSTRUCTIONS FOR FILING AN UNSUITABLE TREE REMOVAL APPLICATION

### PURPOSE

The purpose of this process is to promote the health, safety, and welfare of the city by controlling the removal of large trees in the city on private property, as trees enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased storm water quality, reduce flood hazards and risks of landslides, increase property values, reduce the cost of construction and maintenance of draining systems through the reduction of flow and the need to divert surface waters, contribute to energy efficiency and the reduction of urban temperatures, serve as windbreaks and are prime oxygen producers and air purification systems.

#### Trees in the Public Right-of-Way:

- The Tree Removal Application only applies to trees on private property. If the problem tree is located on public property, please contact the City Arborist at (408) 794-1915 or [arborist@sanjoseca.gov](mailto:arborist@sanjoseca.gov). A common example of a tree on public property is a street tree that is located within the parkstrip or the area between the curb and the sidewalk.

### DEFINITION

A "tree" shall mean any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six (56) inches or more in circumference at a height of twenty-four (24) inches above natural grade slope.

A multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four (24) inches above natural grade slope. (Per Chapter 13.32 of Title 13 of the San Jose Municipal Code.

An "Unsuitable Tree" is a live tree or dead tree on a single family lot which is not a Heritage Tree, a candidate for a Heritage Tree, or a Palm tree in the Palm Haven Conservation Area. An Unsuitable Tree is one in which the tree trunk is five (5) feet or closer to an above-grade part of a single-family dwelling or the centerline of a below-grade line or belongs to a species found by the City Council to be uniquely less compatible with the immediate environment. These species are: Eucalyptus, Liquidambar, Palm, Pine, Tree of heaven, and Tulip.

### INSTRUCTIONS

Please complete the attached application and submit it to the Development Services Center, 1st floor, along with:

1. **Plot Plan.** One (1 ) copy of a legible plot plan of the property drawn to scale with the following: (Please see sample plot plan on page 5)
  - **Location** of existing buildings, driveways and accessory structures, powerlines, with dimensions.
  - **The type, size, and condition** of trees to be removed, with accurate dimensions showing the location of these trees. "Size" means the trunk circumference measured at two (2) feet above natural grade level.
  - **Replacement tree(s)** are required and must be shown on the Plot Plan. Show the location and size of the replacement tree(s).
  - **Show any other trees** on the property that are to remain.
2. **Provide photographs** (printed on 8 1/2" x 11" sheets of paper) which show the entire tree(s).
3. **Attach any evidence explaining why the tree(s) should be removed based on the following:**
  - a. That the location of the tree trunk is five (5) feet or closer to an above-grade part of a single-family dwelling; or
  - b. That the location of the tree trunk is five (5) feet or closer to the centerline of a below-grade utility pipe or line; or
  - c. That the tree belongs to a species found by the City Council to be uniquely less compatible with the immediate environment. These species are: Eucalyptus, Liquidambar, Palm (except those in the Palm Haven Conservation Area), Pine, Tree of heaven, and Tulip.
4. **Please indicate if the tree(s) to be removed are being used for nesting by birds or other animal species.**
5. **FEES.** Single-family lots proposing to remove an Unsuitable Tree - **no fee, subject to change**

**PLEASE SUBMIT THIS APPLICATION AT THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**

**PROCESSING and SCHEDULING**

**Planning Staff:**

- Reviews application and materials (please note incomplete applications will be returned)
- Processes applications in order received

**Director of Planning:**

- Reviews each application for a tree removal permit for an Unsuitable Tree accepted for filing.
- May, in the Director's sole discretion, approve a tree removal permit for an Unsuitable Tree.
- The Director's decision pursuant to this Section is an administrative determination and requires no hearing or notice.
- The action of the Director is final. If the application is denied, nothing in this section shall preclude the applicant from filing, and such applicant may file, an application for a tree removal permit for live trees or dead trees that are not Unsuitable Trees pursuant to this Chapter.

**ADDITIONAL INFORMATION**

**Heritage Trees:**

- On June 14, 1986, the City Council created the Heritage Tree List. The Heritage Tree List provides for the official recognition and protection of trees on both private and public property that are of special significance to the community because of their history, girth, height, species or unique quality. To find out if the tree(s) you want to remove is a Heritage Tree, please go to this link: [http://www.sanjoseca.gov/tree/trees\\_heritage.asp](http://www.sanjoseca.gov/tree/trees_heritage.asp) or contact the City Arborist at (408) 794-1915 or [arborist@sanjoseca.gov](mailto:arborist@sanjoseca.gov)

## UNSUITABLE TREE REMOVAL DETERMINATION CHECKLIST

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 1. Is the tree alive?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is the tree trunk at least fifty-six (56) inches or more in circumference at a height of twenty-four (24) inches above natural grade slope? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is the tree a Heritage or candidate Heritage Tree?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is the tree located on a parcel used exclusively for a single-family residence?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is the tree one of the following species: Eucalyptus, Liquidambar, Palm, Pine, Tree of heaven, or Tulip?                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. If the tree is a Palm, do you reside in Palm Haven Conservation Area?   | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered 'yes' to **number 3 or 6**, it is not considered an Unsuitable Tree

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 7. Is part of the tree trunk within five (5) feet of a single-family dwelling? above-grade part of that one-family dwelling?             | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Is part of the tree trunk within five (5) feet of the center line of a below-grade utility pipe or line on a single-family residence? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered 'yes' to **both questions 1 and 2**, a **Live Tree Removal Permit** application is required, approved by the Director of Planning.

If you answered 'no' to **question 1 and yes to 2**, a **Dead Tree Removal Permit** application is required, approved by the Director of Planning.

If you answered 'yes' to **any of questions 1,2, 4, 5, 7, or 8 and no to all other questions**, an **Unsuitable Tree Removal Permit** application is required, approved by the Director of Planning.

\*Note, if you are also proposing to remove live trees with a trunk measuring fifty-six (56) inches or more in circumference at a height of twenty-four (24) inches above natural grade slope that are not Unsuitable you must apply for a **Live Tree Removal Permit**, which requires a public hearing.

**PLEASE SUBMIT THIS APPLICATION AT THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**

## UNSUITABLE TREE REMOVAL APPLICATION

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)																			
SITE ADDRESS OR LOCATION DESCRIPTION ASSESSOR'S PARCEL NUMBER(S) (Found on your tax bill or garbage bill)	<b>STAFF USE ONLY</b>																		
CHECK EXISTING LAND USE: <input type="checkbox"/> RESIDENTIAL: <input type="checkbox"/> SINGLE-FAMILY LOT	TREE LOCATION: <input type="checkbox"/> PRIVATE LOT	FILE No: _____ FEE(S): _____ RECEIPT #: _____ DATE: _____ BY: _____																	
GROSS ACRES OF THE SITE: _____ NUMBER OF TREES TO BE REMOVED _____	<b>Minimum Submittal Requirements:</b>																		
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%;">TREE TYPE</th> <th style="width: 20%;">CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL</th> <th style="width: 45%;">DISTANCE FROM TRUNK TO DWELLING STRUCTURE OR UNDERGROUND UTILITY</th> </tr> </thead> <tbody> <tr> <td>TREE A</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>TREE B</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>TREE C</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> ATTACH A SEPARATE SHEET OF PAPER TO DESCRIBE ADDITIONAL TREES.		TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL	DISTANCE FROM TRUNK TO DWELLING STRUCTURE OR UNDERGROUND UTILITY	TREE A	_____	_____	_____	TREE B	_____	_____	_____	TREE C	_____	_____	_____	<ol style="list-style-type: none"> <li>1. Explain the reasons why the tree(s) should be removed on Page 2.</li> <li>2. Attach <b>ONE (1)</b> copy of the <b>PLOT PLAN</b>.</li> <li>3. Submit <b>PHOTO(S)</b> of <b>TREE(S)</b>, printed in 8 1/2" x 11" sheets of paper.</li> </ol>		
	TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL	DISTANCE FROM TRUNK TO DWELLING STRUCTURE OR UNDERGROUND UTILITY																
TREE A	_____	_____	_____																
TREE B	_____	_____	_____																
TREE C	_____	_____	_____																
PRINT NAME OF PROPERTY OWNER(S) _____																			
MAILING ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____																			
DAYTIME TELEPHONE # (    )	FAX # (    )	E-MAIL ADDRESS _____																	
SIGNATURE (AND PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER) _____																			
If signing with Power of Attorney, a copy of the document giving you Power of Attorney must be attached to this application. If there are additional property owners, please attach a separate sheet to provide the above information.																			
TO BE COMPLETED BY PLANNING STAFF																			
PREVIOUS PERMIT FILE: _____	COUNCIL DISTRICT _____	QUAD NO. _____	ZONING _____																

**PLEASE SUBMIT THIS APPLICATION AT THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**

# UNSUITABLE TREE REMOVAL APPLICATION

## CONTACT PERSON

PRINT NAME OF CONTACT PERSON

MAILING ADDRESS	CITY	STATE	ZIP CODE
-----------------	------	-------	----------

DAYTIME TELEPHONE # (      )	FAX # (      )	E-MAIL ADDRESS
---------------------------------	-------------------	----------------

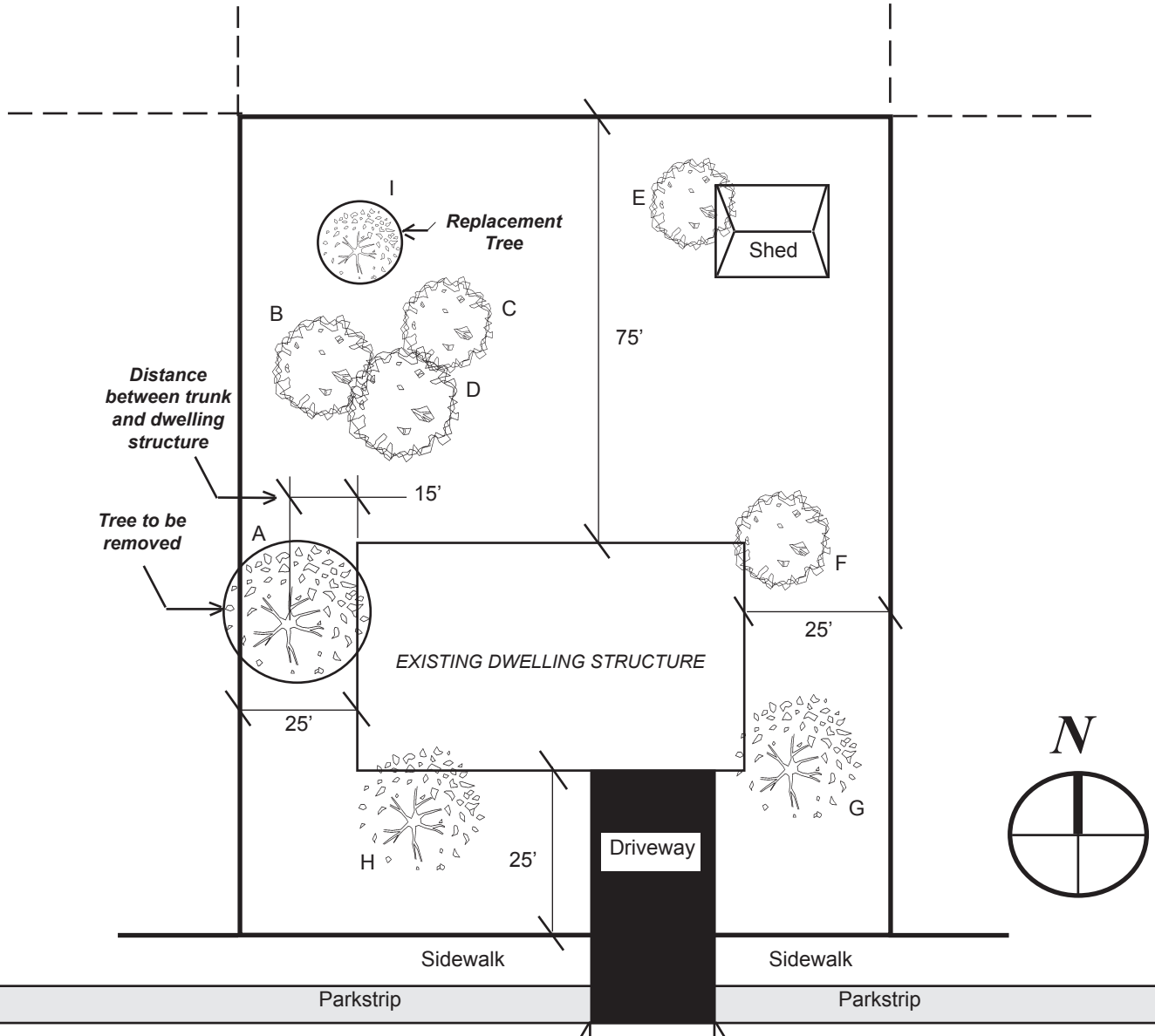
PLEASE USE THIS SPACE TO EXPLAIN THE REASONS WHY THE TREE(S) SHOULD BE REMOVED. ATTACH ADDITIONAL SHEETS IF NECESSARY. IF THE TREE IS DEAD, PLEASE PROVIDE SUPPORTING EVIDENCE AND/OR DOCUMENTATION.


PLEASE INDICATE IF THE TREE(S) TO BE REMOVED ARE BEING USED FOR NESTING BY BIRDS OR ANIMAL SPECIES. PLEASE LIST SPECIES, NAMES, IF KNOWN.


**PLEASE SUBMIT THIS APPLICATION AT THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**

Unsuitable Tree Removal.pm65/Applications  
Rev. 02/112013

# SAMPLE PLOT PLAN



TYPE	Circumference in inches/replacement size	CONDITION	DISTANCE	STATUS
A	Ash 62	diseased	15ft	to be removed
B	Oak 26	healthy	10ft	to remain
C	Oak 22	"	"	"
D	Oak 30	"	"	"
E	Juniper 20	"	"	"
F	Juniper 20	"	"	"
G	Ash 50	"	"	"
H	Ash 52	"	"	"
I	Ash 1 15-gallon	healthy	50ft	replacement for tree 'A'

**PLEASE SUBMIT THIS APPLICATION AT THE DEVELOPMENT SERVICES CENTER, 1ST FLOOR, CITY HALL.**



# Tree Removal Arborist Report

In accordance with best management practices, the arborist report should conform to criteria developed by the American Society of Consulting Arborists (ASCA).

## Site Plan must include:

- Location of all trees on site whether alive or dead.
- List of all trees by location number, botanical name and common name.
- Heritage and ordinance size trees must be identified as such.
- An accurate location of the trunk and an accurate depiction of the size of the canopy.
- An accurate footprint of existing and planned structures.
- Location of all existing and planned utility trenches.
- Location of any and all storage and/or staging areas.
- The accurate location of the trunk and an accurate depiction of the size of the canopy of trees on adjacent parcels that may be affected by construction activities.

## Documentation for Condition Assessment

- Definition of terms used for rating condition.
- Photographs of defects or flaws that require action.

## Engineering Alternatives.

- Trees recommended for removal.
- Trees recommended for transplant.

## Pre-construction Protection & Mitigation

- Fencing details
- Mulch
- Pruning
- Irrigation
- Erosion control

## Protection & Mitigation during Construction Process

- Monitoring frequency
- Log of conditions and recommendations

## Post Construction Monitoring and Mitigation

- Monitoring frequency
- Log of conditions and recommendations

## **Appendix F**

# **Street Tree Planting Guidelines**

Street Tree Setbacks and Offsets

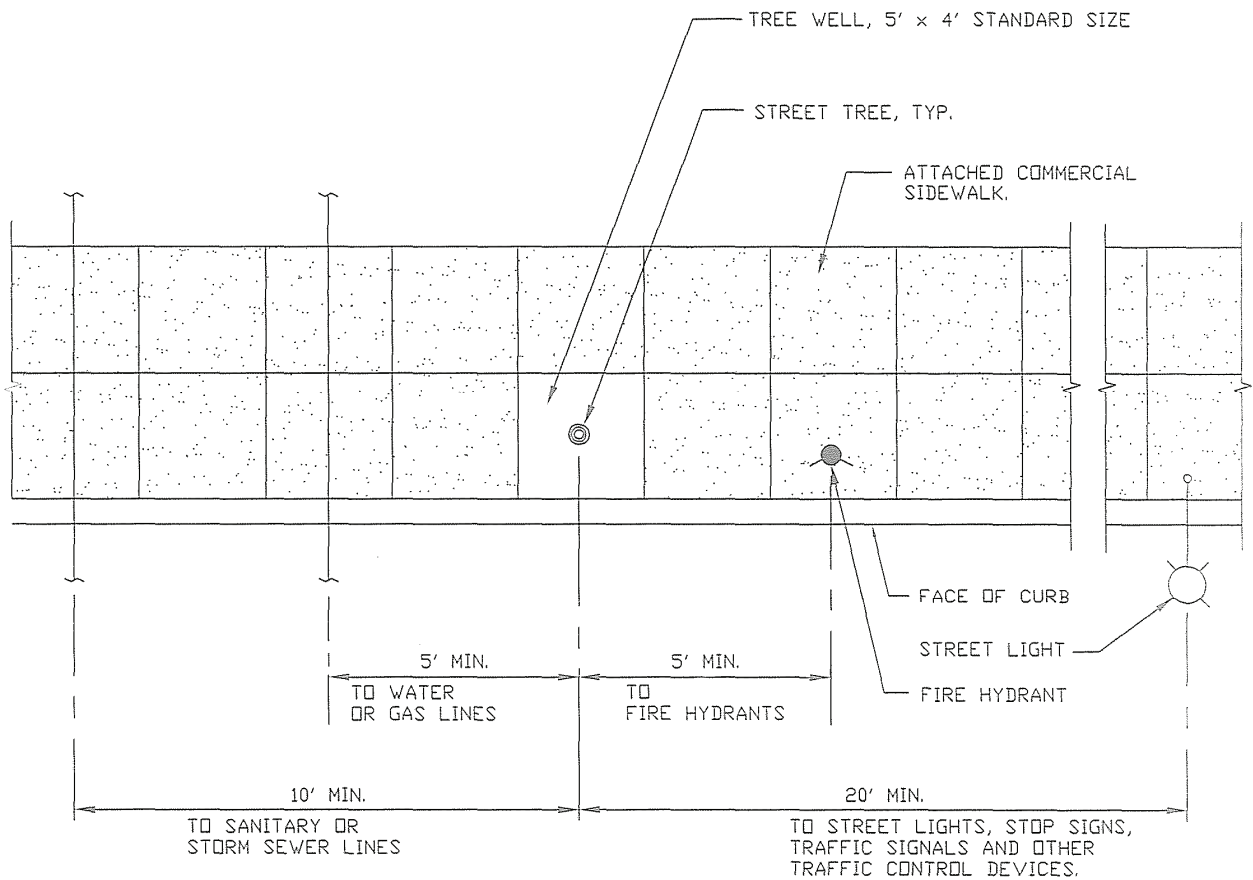
Tree Staking Detail

Tree Bubblers Detail

Soil Sampling & Testing Guidelines

## City of San Jose Street Tree Planting Set Backs and Offsets

Street Lights	20 Feet	To prevent blocking light & dark streets
Underground utilities	5 Feet	If they dig up utility, they do heavy damage to tree roots if tree is too close
Driveways	Residential 5 Feet Commercial 10 Feet	Trucks in & out of drive damage trees; trees also can block sight lines of vehicles backing out.
Sewer Lines	10 Feet	Roto Rooter loves roots that clog sewers
Water Meter	5 Feet	Trees break lines at meter
Stop signs and other traffic devices	20 Feet	Major Danger here: Vehicle collision/pedestrian collisions
Fire Hydrants	5 Feet	If trees are too close = block access for fire hoses
Corners	40 Feet	To allow for line of sight to on-coming traffic and pedestrians



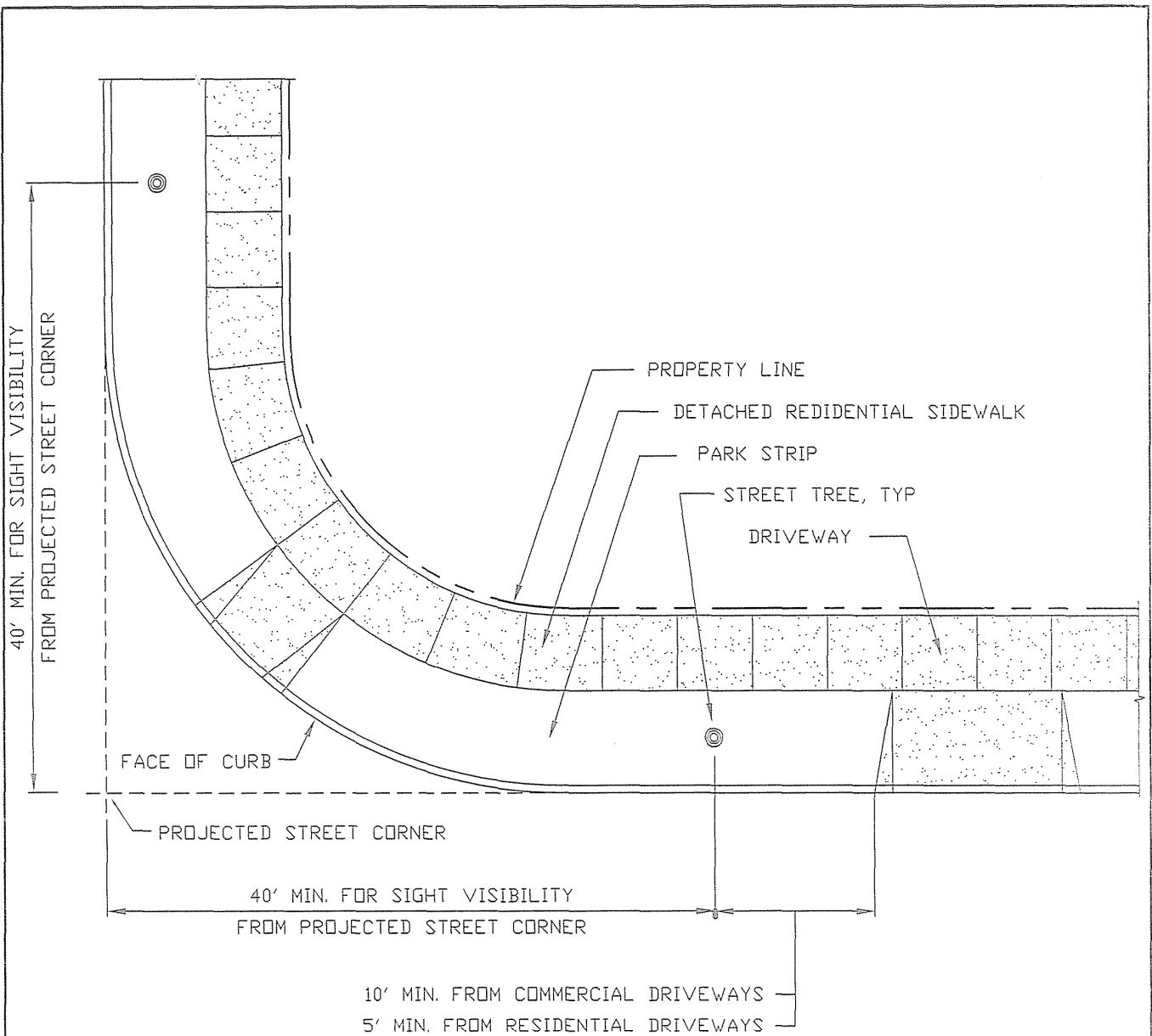
PLAN VIEW

NOT TO SCALE  
 FOR DESIGN DEVELOPMENT ONLY  
 NOT FOR CONSTRUCTION.

- NOTE: (1.) THESE CLEARANCES ALSO APPLY TO STREET TREES IN DETACHED SIDEWALKS.  
 (2.) CLEARANCES SHOWN FROM UTILITY LINES ALSO APPLY TO STREET TREES IN MEDIAN ISLANDS & BACK-UPS.  
 (3.) REFER TO PART 4.16.4 OF THE GUIDELINES FOR OTHER REQUIRED CLEARANCES.

JUNE 2007

APPENDIX B - STREET TREE PLANTING CLEARANCES FROM EXISTING UTILITIES, FIRE HYDRANTS & STREETLIGHTS.



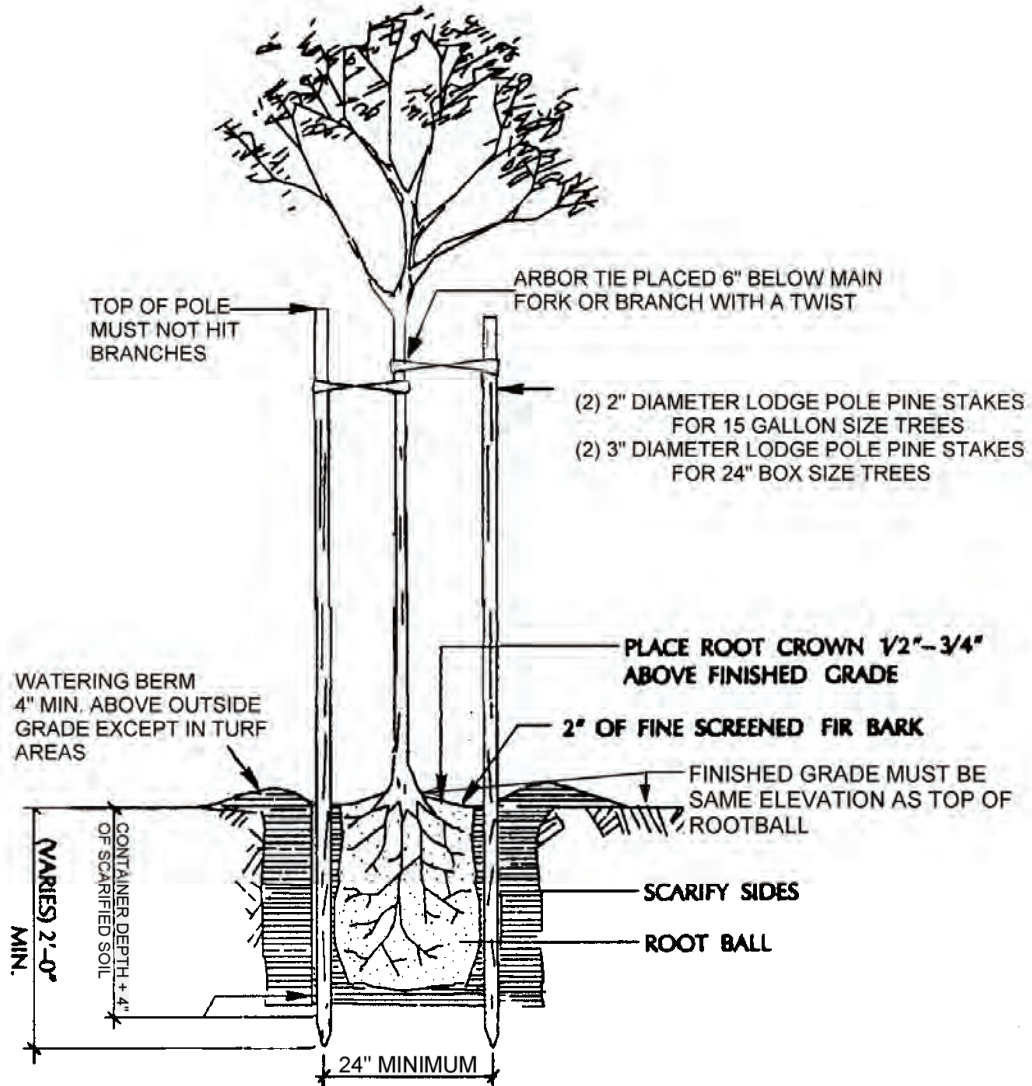
PLAN VIEW

NOT TO SCALE  
 FOR DESIGN DEVELOPMENT ONLY,  
 NOT FOR CONSTRUCTION.

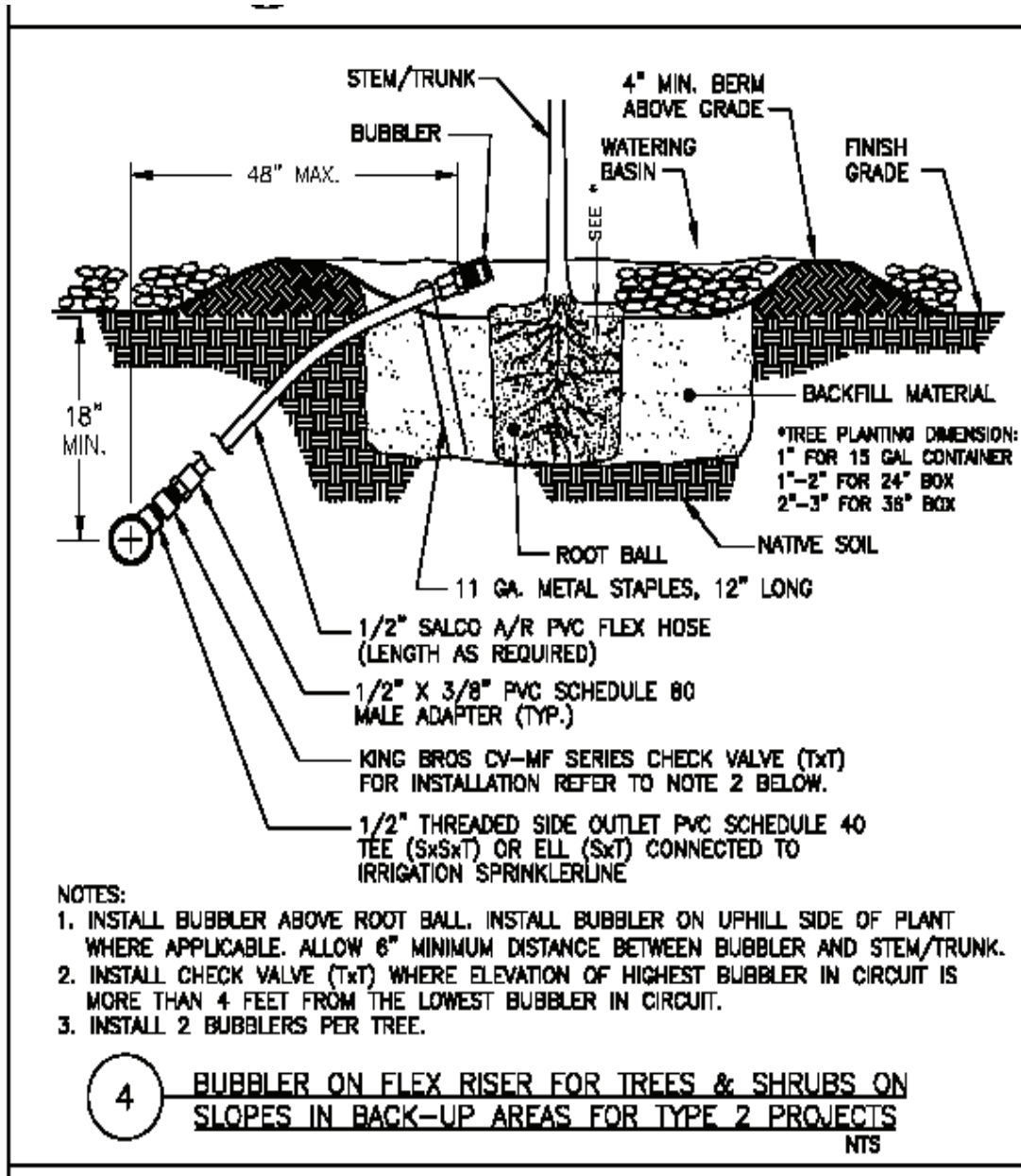
NOTE: (1.) THESE SETBACKS ALSO APPLY TO STREET TREES IN ATTACHED SIDEWALKS.  
 (2.) REFER TO PART 4.16.4 OF THE GUIDELINES FOR OTHER REQUIRED CLEARANCES.

JUNE 2007

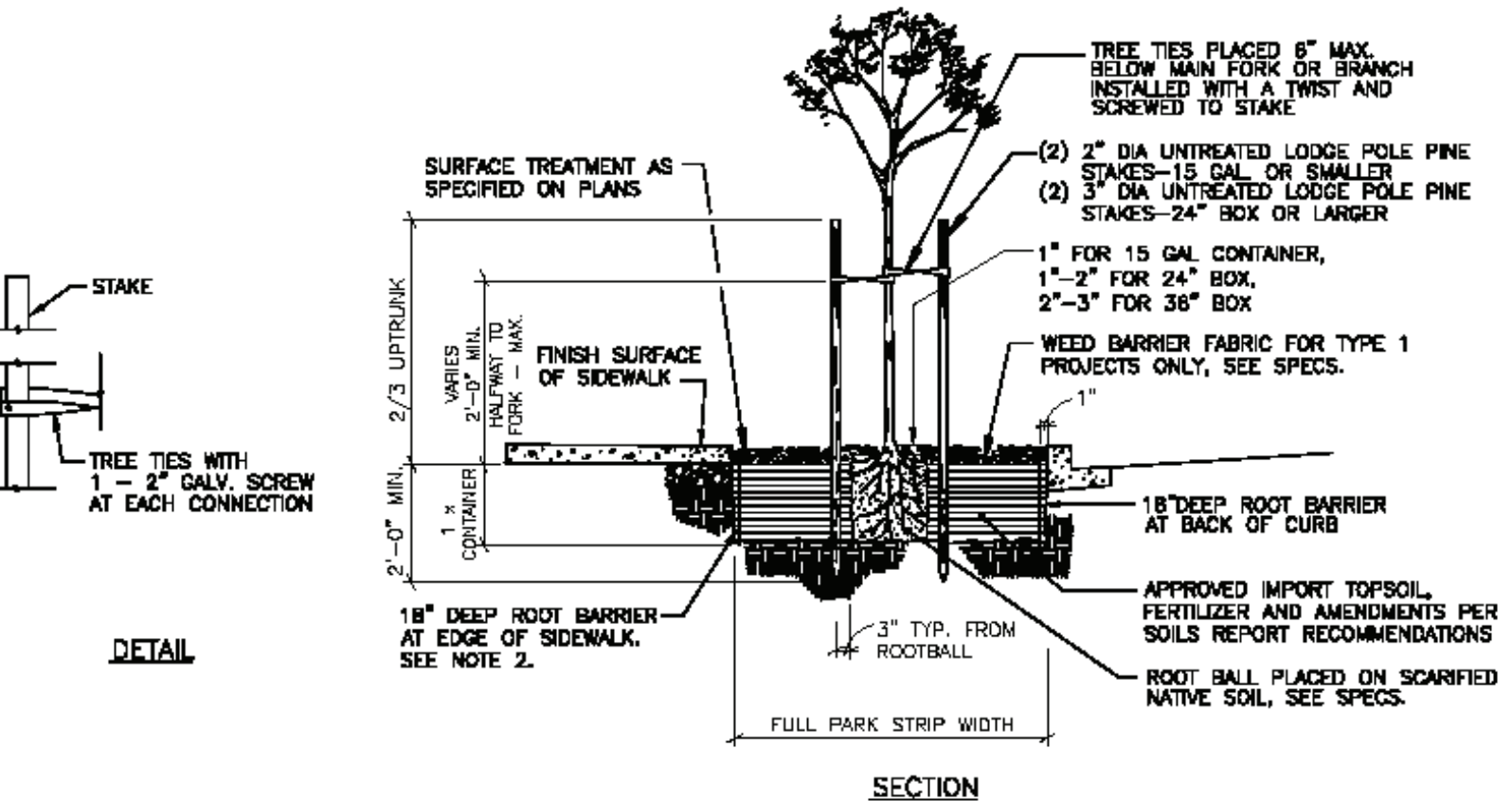
APPENDIX C - STREET TREE CLEARANCES FROM STREET CORNERS AND DRIVEWAYS



Two-stake Tree Planting Detail



Detail for Special Districts Tree Planting Irrigation



**SECTION FOR PARK STRIPS AND TREE WELLS**

**NOTES:**

1. REFER TO DETAIL 5, SHEET B , FOR BUBBLER DETAIL.
2. INSTALL ROOT BARRIER PER SPECIFICATIONS. INSTALL 1/2" MAXIMUM ABOVE FINISH GRADE AND COVER WITH SPECIFIED WOOD OR GRAVEL MULCH IN MEDIAN ISLANDS OR DECOMPOSED GRANITE IN PARKSTRIPS FOR TYPE 1 PROJECTS.
3. THE HEIGHT OF THE STAKES SHALL NOT INTERFERE WITH TREE BRANCHES IN ANY WAY. TRIM THE TOPS OF STAKES AS DIRECTED BY THE ENGINEER.
4. ROOTBALL TO BE THOROUGHLY WATERED IMMEDIATELY AFTER PLANTING, AND KEPT MOIST AS REQUIRED TO ENSURE PLANT HEALTH DURING CONSTRUCTION AND MAINTENANCE PERIODS.

4

**TREE PLANTING & STAKING FOR PARK STRIPS & TREE WELLS**

N.T.S.



## SOIL SAMPLING & TESTING GUIDELINES

1. Provide a soil test for each site as follows:  
Greater than 5 acre: Minimum 1 sample per 5 acre section.  
Less than 5 acres: Minimum 1 sample.  
Medians and roadsides: Minimum 1 sample per 3000 linear feet  
Provide 1 additional sample for every batch of import soil.  
Provide one additional sample for every 3 foot drop in grade.
2. Take soil samples in accordance with the following procedures:  
Sample soil to the proper depth.  
e.g. typical rooting depths are:  
Turf and herbaceous groundcovers: 1 - 8"  
Shrubs: 1 - 18"  
Trees: 1 - 18" and 24 to 36" (two samples: 1 sample at each depth)
3. For existing landscape one soil sample should represent only one soil or plant condition. Subdivide general areas described in part 1 based on the following:  
e.g. landscape conditions requiring different samples:  
Different irrigation types  
Different irrigation frequencies  
Different soil textures, colors or odors.  
Different drainage patterns.  
Import fills or borrow stockpile.  
Areas receiving different fertilizer or amendment treatments.  
Plants showing symptoms of poor development.
4. Samples should not contain any plant or organic material from the soil surface. The best collecting tool is a sampling tube which removes a core of soil from the surface to the lower rooting depths. If a shovel is used, then a hole should be dug to the correct depth and a vertical 1" slice taken from the side of the hole.  
  
The sub-samples should be randomly collected from each representative area. They should be mixed thoroughly and placed in a water proof container (e.g. gallon ziplock freezer bags). The final sample submitted to the laboratory should be at least 1 quart of soil per sample.  
  
Labels with all pertinent information should be placed on the **outside** of the container. Label a corresponding map with the locations represented by each sample.  
  
Field notes should include all observations of sampling site (from 2 and 3 above), how soil was sampled (depth, random or spot specific) and observations of the soil (moist, dry, odor, rocks, debris, etc.).
5. For top soil the analysis should include fertility (N, P K, Ca, Mg, CEC or est. CEC) and basic soil chemistry (pH, soluble salts, SAR, boron). For subsoil the analysis should include basic soil chemistry at minimum.

1 per 1000 linear feet of continuous area or 1 per each median or roadside separated by hardscape

## LABORATORY ANALYSES FOR LANDSCAPE QUALITY OF SOIL

### Physical Properties

Particle sizes	<p>USDA Clasification is base on the percentage of particles of sand, silt and clay. The soil tht is measured must fall through a 2.0 mm screen. The USDA classification <b>does not</b> take into account any gravel, rocks or organic matter.</p> <p>Rock – less than 10% by volume and none greater than ½”</p> <p>Organic&lt;15%</p> <p>CSJ Topsoil Specification does specify the allowable gravel, but does not provide for analysis of rocks or debris. These detrimental items must be found during the inspection process.</p> <p>Gravel &lt;15%</p> <p>Coarse Sand &lt;15%</p> <p>All sands &lt;85% and &gt; 45%</p> <p>Silt &lt;35% and &gt;10%</p> <p>Clay &lt;30% and &gt;5%</p> <p>Silt+Clay &lt;60% and &gt;30%</p>
Half Saturation/TEC	<p>The half saturation percentage is a measure of the ability of a soil to hold water. Sandy soils have a low number (5 to 15) and clayey soils have a high number (25 to 25). The Theoretical Exchange Capacity is a measure of the ability of a soil to hold nutrients. The higher the number the more exchange sites available.</p>

### Chemical Properties

pH 5.5 – 7.5	<p>pH is affected by other soil components, e.g. sodium, lime and affects nutrient availability</p>
Qualitative Lime	<p>This is a relatively subjective test that indicates the ease of changing the soil pH It is either High, Medium or Low</p>
EC <sub>e</sub> <3.0	<p>Electrical Conductivity is a measure of the amount of soluble salts (also called TDS or total dissolved salts). Normal topsoil has a reading of less than 1.0 mmhos/cm.</p>
SAR <6.0	<p>Sodium Adsorption Ratio is a measure of the “stickiness” of the soil. The cations or positively charged ions adhere to the negatively charged particles in the soil (e.g. clay and organic). Sodium is a small negatively charged particle which, if it is predominant in the soil will cause the soil particles to stick tightly together and impair drainage. The SAR calculation is based on the saturation extract values for the cations calcium (Ca<sup>++</sup>), magnesium (Mg<sup>++</sup>), potassium (K<sup>+</sup>) and sodium (Na<sup>+</sup>). Since it a ratio of Ca+Mg : Na, if sodium is excessive, then the SAR value is high OR if calcium and magnesium are very low then the SAR value can be high. This value is also relative to EC.</p>
B	<p>Boron must be &lt;1.0 ppm.</p>
SO <sub>4</sub>	<p>Sulfate is typically in a range of 1.0 to 10.0 me/l (milliequivalents per liter).</p>

## **Appendix G**

# **Department of Transportation, Infrastructure Maintenance Tree Services**

## **Information and Procedure Manual**



**Department of Transportation  
Infrastructure Maintenance  
Tree Services  
Information and Procedure Manual**

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**Pricing information**

**Process Flow Chart**

**Mission Statement**

The purpose of this document is to provide a clear understanding of the procedures to effectively provide both immediate and short term tree services within the public right of way for both private property street trees and trees in City owned landscape areas.

**Overview:**

In General, the DOT procedures for addressing street trees and trees in City-owned landscape areas will remain very similar to the past. The only real difference will be that a tree contractor will be dispatched to perform the work instead of our own tree crew and that the tree contractor will need to be paid for services rendered.

**Authority of City to provide tree work:**

The City has the authority to immediately perform street tree work if it is deemed an imminent hazard. Any work performed on a street tree that is deemed an imminent hazard will be charged to the adjacent property owner. Imminent hazard is called emergency tree work and is interpreted to mean:

- cracked and hanging limbs of sufficient size that could reasonably be expected to cause significant personal injury or property damage
- trees or limbs that have fallen into the sidewalk or street
- trees that are in danger of immediately falling
- trees interfering with traffic signals or regulatory signs such as stop, yield, or speed limit signs
- any other condition that might affect the public's safety

The City does not have the authority to immediately perform street tree work if no imminent hazard is present. The City is required to provide 30 days notice to the property owner for non imminent hazard which is referred to as priority tree work and includes items such as:

- clearance trimming for vehicle and pedestrians
- clearance trimming for street lights
- clearance trimming for non-regulatory signs
- dead trees not in immediate danger for falling over
- any other tree condition that is not an immediate problem

Tree work that is performed on the City's median and back up landscape areas can be performed immediately and does not require notices; this work will be paid for by the City.

**Authorization of Contractual Tree Work**

In General, the Arborist Office will oversee the tree contractors; they will coordinate and direct the tree contractor's actions and authorize payments. However, in emergency situations the following personnel can direct the tree contractor:

- Duty supervisor
- Dispatcher

### **Arborist's Office Responsibilities**

1. The Arborist's Office normal business hours are Mon-Fri, 7:00am-4:00pm 277-2762
2. Arborist office will assign a tree inspector to each contractor
3. The tree inspector will during normal hours inspect and assign work to the contractors.
4. The incident will be entered into the Arborist Office's database for tracking and invoicing  
Inform the property owner or resident of the estimated cost of the tree work based on the contract unit prices by filling out and leaving the door hanger at the door.

### **DOT Dispatcher Responsibilities**

1. Receive phone calls and service requests if they occur
2. Dispatch tree related calls to tree inspectors or Arborist's Office staff as appropriate
3. If in an emergency, such as a tree has fallen across Branham Lane blocking lanes of traffic or some other such unambiguous situation, the dispatched can call the contractor directly.
  - a. Dispatcher will then notify the Arborist's Office of these actions including the location of the tree

The incident will be entered into the Dispatch database.

### **Duty Supervisor responsibilities**

1. The Duty Supervisor (DS) will normally receive calls after hours and from San Jose 20 (Fire dispatch)
2. The DS will investigate the complaint and respond appropriately.
  - a. Primary responsibility is to make the site safe
  - b. If it is a minor branch and can be safely removed, then it should be removed by the DS and no charges will be issued to the property owner  
If it is a larger branch and can be pulled to the side of the road, do so and barricade or cone off the site.

The location and nature of the complaint will then be given to the Arborist's Office the next working day for pickup later by the contractor.

Inform the property owner or resident of the estimated cost of the tree work based on the contract unit prices by filling out and leaving the door hanger at the door.

If it is a major problem and needs to be addressed immediately, then the DS should call the appropriate tree contractor.

The DS should then record the location of the tree and if possible take a photograph of the tree.

Inform the property owner or resident of the estimated cost based on the contract unit prices by using the supplied door hanger notice

The DS shall then provide the Arborist office with the location and photo the next business day.

### **Complaint truck Responsibilities**

If a tree complaint is directed to the Compliant Truck then:

Primary responsibility is to make the site safe

If it is a minor branch and can be safely removed, then it should be removed

If it is a larger branch and can be drug to the side of the road and barricaded then that should be done. The location and complaint would then be given to the Arborist Office the next working day.

If it is a major problem and needs to be addressed immediately then the complaint truck driver should call the DS. The DS will should call the appropriate tree contractor.

## **Service Requests**

### **1. Receiving the request for service**

When a call is received, the answering party should obtain the following information at a minimum:

Location: Property address, Zip Code, Cross Street

Nature of complaint: Detailed description of situation

Contact information to verify information on complaint

### **2. Assigning the request for service**

a. During normal business hours all completed requests for service shall be forwarded to the Arborist Office for routing. The Arborist's Office will assign an inspector to evaluate the situation and dispatch a contractor as needed.

After normal business hours all requests shall be routed to a Complaint Truck or Duty Supervisor to evaluate.

If the responding party can remove any obstruction to a safe location, they shall do so and forward the Service Request to the Arborist's Office for follow up during normal business hours

If the responding party cannot remove all obstructions, they shall photograph the tree, measure the DBH (Diameter Breast Height: measure circumference at 4.5' high and divide by  $\pi = 3.14$ ) and contact the designated contractor for immediate dispatch of a tree crew

## **Service Priority**

There are three levels of street tree services to be provided, standard, priority and emergency tree services. They are defined below:

### **Standard Tree Service**

Standard requests shall be provided to the contractor in list form on a semi-regular basis. This work will generally involve multiple trees in close proximity to each other where no hazard or dangerous obstruction exists. Work shall be performed Monday-Friday between the hours of 8:00am and 4:00pm.

### **Priority Response Tree Service**

Priority requests shall be provided to the contractor in list form on a semi-regular basis. This work will generally involve single tree locations spread over a large geographical area where homeowners were given a 30 day notice to correct. Work shall be performed Monday-Friday between the hours of 8:00am and 4:00pm.



### **Emergency Response Tree Service**

Emergency requests shall be provided to the contractor in either written or verbal form on an as-needed basis. This work will generally involve trees which are deemed an immediate hazard by the inspector. Work shall be performed seven days a week and twenty-four hours a day.

### **Data/Inventory Collection**

In order to have accurate information for billing purposes every tree which requires service shall have certain information recorded. This information shall include Tree Species, Diameter at Breast Height (DBH), Canopy Height, Canopy Spread, Type of Service, Date of Service and a minimum of two photographs showing the full tree canopy and another showing measured DBH.

### **Contractor Payments**

The Arborist's Office will coordinate all payments to the contractor.

### **Property Owner Invoicing**

Property Owner invoicing shall be performed by the Arborist's Office after the final invoice from the assigned contractor has been approved for payment. All property owner invoices shall contain information on the property owner's rights to protest the charges before the City of San José City Council. The City will also charge an administrative fee of \$100.

### **Street Tree Service Descriptions**

#### **Emergency Response Tree Services**

These services will normally receive emergency status and will be assigned to a contractor as soon as possible:

#### **Cracked and Hanging Limb**

Cracked and Hanging limbs which are in danger of falling or affecting the public right of way shall be addressed on an emergency basis. Customer has no authority or options for handling on their own. Once the work has been verified it will be given to a contractor as a structural tree trimming for immediate dispatch. The broken limb will be removed back to a suitable cut and the contractor will prune the rest of the tree to address other structural concerns. Customer will receive a door hanger notifying them of the type service and an estimate of the costs that will be invoiced.

#### **Downed Limb**

Downed Limbs which are affecting the public right of way shall be addressed on an emergency basis. Customer has no authority or options for handling on their own. Once the work has been verified it will be given to a contractor as a structural tree trimming for immediate dispatch. The remnant of the downed limb will be removed back to a suitable cut and the contractor will prune the rest of the tree to address other structural concerns.

Customer will receive a door hanger notifying them of the type service and the approximate costs that will be invoiced.

### **Downed Tree**

Downed Trees which are affecting the public right of way shall be addressed on an emergency basis. Customer has no authority or options for handling on their own. Once the work has been verified it will be given to a contractor as a removal, including stump for immediate dispatch. Customer will receive a door hanger notifying them of the type service and the approximate costs that will be invoiced.

### **Split Tree**

Trees which are split and are in danger of falling or affecting the public right of way shall be addressed on an emergency basis. Customer has no authority or options for handling on their own. Once the work has been verified it will be given to a contractor as a removal, including stump for immediate dispatch. Customer will receive a door hanger notifying them of the type service and an estimate of the approximate costs that will be invoiced.

### **Hazardous Tree**

Trees that are deemed hazardous, such as extensive decay or evidence that the tree is in process of falling or affecting the public right of way, shall be addressed on an emergency basis. Customer has no authority or options for handling on their own. Once the work has been verified it will be given to a contractor as either a structural tree trimming or removal, including stump for immediate dispatch. Customer will receive a door hanger notifying them of the type service and an estimate of the approximate costs that will be invoiced.

### **Obstructed Regulatory Traffic Device (Traffic Signals, Stop/Speed limit signs, etc.)**

Trees which are obstructing regulatory traffic devices shall be considered a hazard and shall be addressed on an emergency basis. Customer has no authority or options for handling on their own. Once the work has been verified it will be given to a contractor as a structural tree trimming for immediate dispatch. Customer will receive a door hanger notifying them of the type service and the approximate costs that will be invoiced.

### **Private Property Trees Overhanging the Public Right of Way**

Trees that have their trunk on private property but whose limbs are overhanging the public right of way that have a cracked and hanging branch or other structural problem which is in danger of falling onto the public right of way shall be addressed on an emergency basis. Only the portion of the tree overhanging the sidewalk or street will be addressed and the contractor will not access private property. The property owner will be billed for the structural pruning price based on the diameter of the affected limb or time and materials, whichever is lower.

### **Priority Response Tree Services**

These services usually are non emergency response but can be assigned emergency status if other factors warrant such a decision.

**Dead Tree**

Dead trees shall be posted for removal and replacement. Notices shall be mailed to the property owner allowing them thirty (30) days to correct and approximate cost if they fail to comply. If property owner fails to comply within the designated period, City of San José will assign the removal, including stump to a contractor and invoice the work.

**Obstructed Informational Traffic Device (No/Permit Parking, Street Name, etc.)**

Trees which are obstructing informational traffic devices shall be addressed on a priority basis. Notices shall be mailed to the property owner allowing them thirty (30) days to correct and an approximate cost of service if they fail to comply. If property owner fails to comply within the designated period, the Arborist Office will assign the structural tree trimming to a contractor and invoice the work.

**Vehicle/Pedestrian Obstruction**

Trees which are obstructing informational traffic devices shall be addressed on a priority basis. Notices shall be mailed to the property owner allowing them thirty (30) days to correct and an approximate cost of service if they fail to comply. If property owner fails to comply within the designated period, the Arborist Office will assign the structural tree trimming to a contractor and invoice the work.

**Palms**

Palm trees which contain more than two years of dead fronds shall be addressed on a priority basis. Notices shall be mailed to the property owner allowing them thirty (30) days to correct and an approximate cost of service if they fail to comply. If property owner fails to comply within the designated period, the Arborist Office will assign the trimming to a contractor and invoice the work.

**Stump Grinding**

Tree stumps located in the parkstrip which are not removed after a tree has been taken down shall be addressed on a priority basis. Notices shall be mailed to the property owner giving them thirty (30) days to correct and an approximate cost of service if they fail to comply. If property owner fails to comply within the designated period, the City of San José will assign the stump grinding to a contractor and invoice the work.

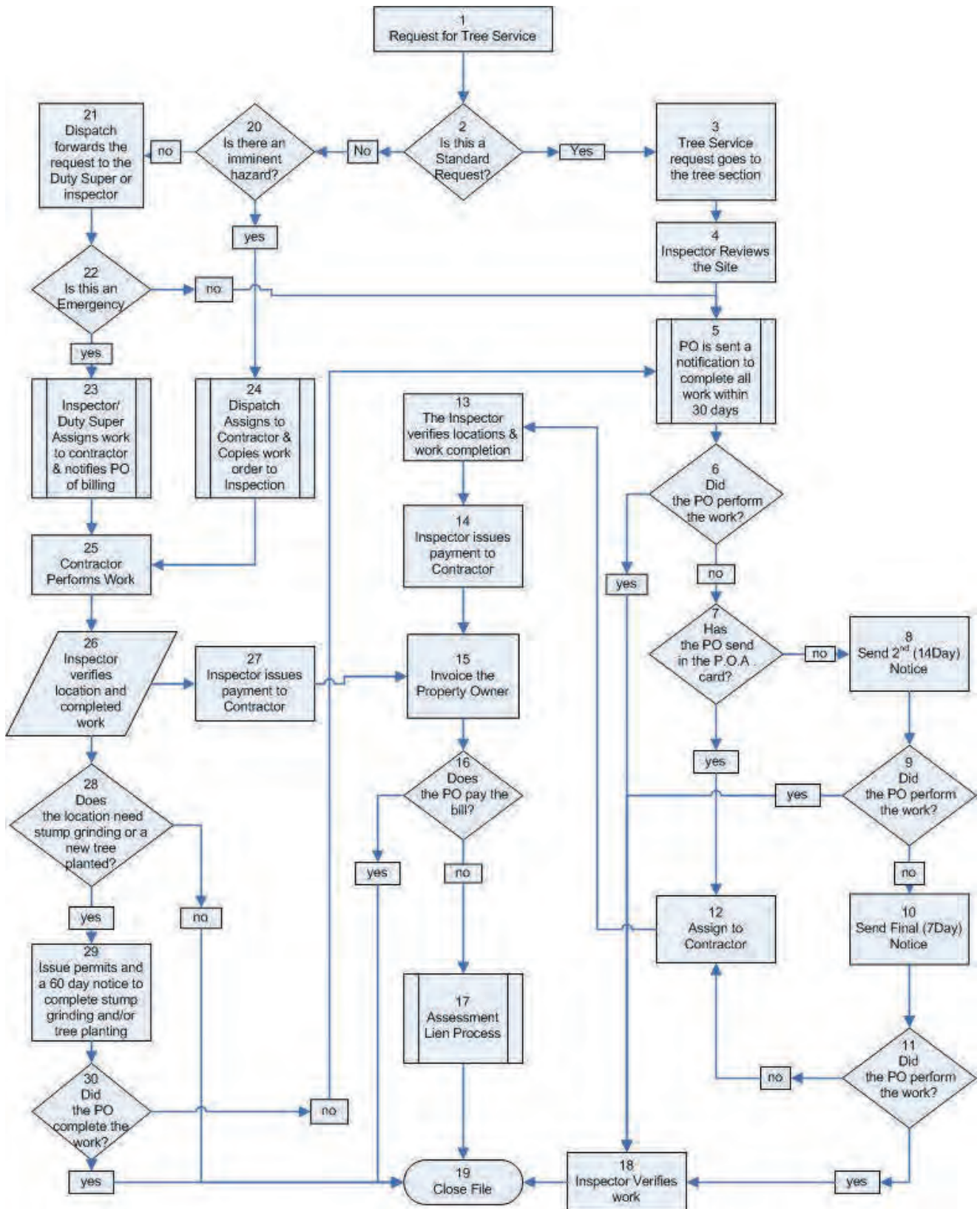
**Tree Installation**

Trees which are not replanted after removal and stump grinding of an existing tree shall be addressed using standard service. Notices shall be mailed to the property owner allowing them thirty (30) days to correct and an approximate cost of service if they fail to comply. If property owner fails to comply within the designated period, the Arborist Office will assign a contractor and invoice the work. The property owner will be responsible for watering and care for the newly planted tree. If the tree dies not because of action of the contractor, the planting will be done again and billed again to the property owner.

**Pricing information**

The pricing information changes with each new contract. Contact the Arborist Office for current pricing.

# Progress Flow Chart



## **Appendix H**

Excerpt from  
***Strategic Framework for the  
San Jose  
Community Forest  
Master Plan***

**San Jose's Physical Environment**

## San José's Physical Environment

From a simply scientific point of view, San José is well positioned to grow its forest given its favorable physical environment for nurturing trees.

The valley is mainly a broad level alluvial plain averaging about 200' above the sea level of the San Francisco Bay, nestled between the 2500' high Santa Cruz Mountains to the west and the 4000' ridges of Mt. Hamilton on the east. The topography of these surrounding mountain ranges are the result of the San Andreas and associated faults causing the hills and mountains to uplift as the Pacific and North American tectonic plates slide past each other.

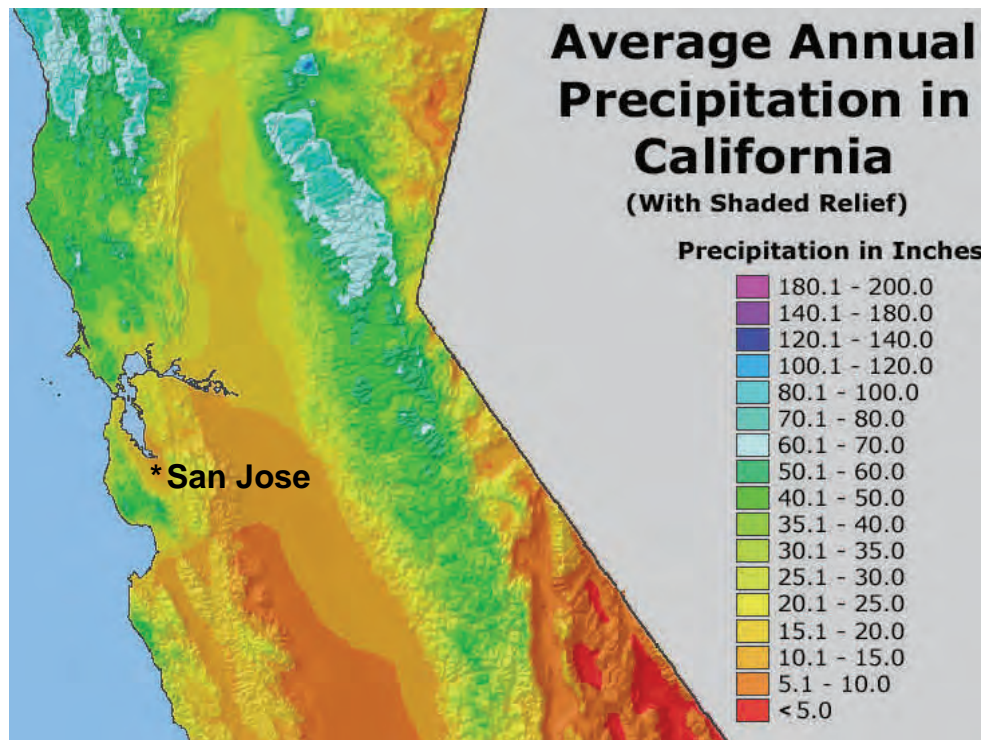


Google Maps' view of the mountainous terrain surrounding San Jose, which also shows the relatively flat valley floor interrupted with only a few low ridges.

### **Climate**

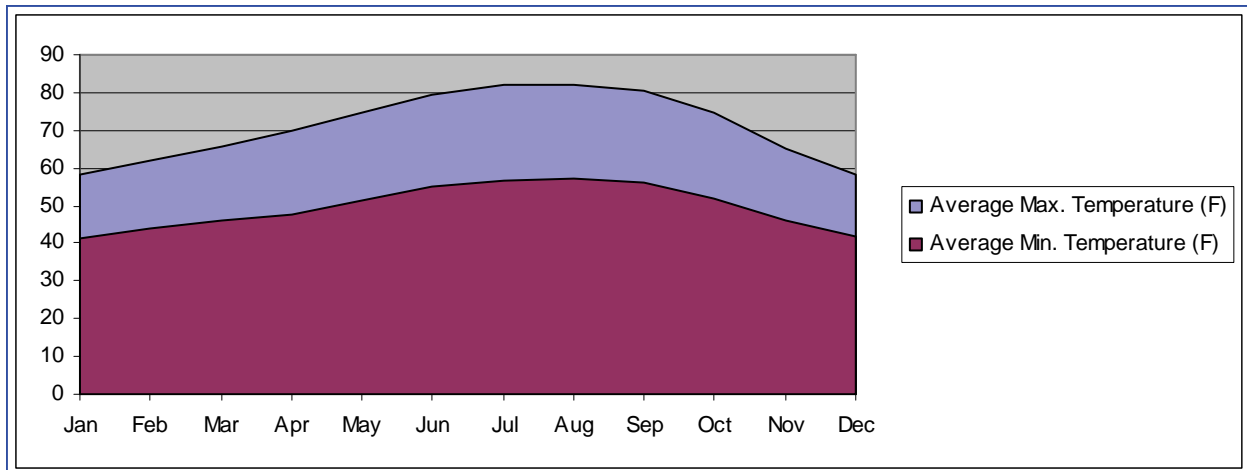
The climate of San José is a result of the latitude, topography and the close, but not direct, proximity to the vast Pacific Ocean, whose huge mass of water tends to moderate both high and low temperatures compared to more inland areas. The modest heights of the

Mountains provide some buffering from the full blast of the winter storms coming off of the ocean. Much of the rain (exceeding 50 inches of precipitation per year) from these storms is deposited on the windward side of the coastal Santa Cruz Mountains, leaving Santa Clara Valley in a rain shadow averaging less than 15 inches of precipitation per year. Snow is virtually unknown on the valley floor, but the higher ridges of the surrounding mountains occasionally receive some winter snow. The relative scarcity of rainfall might create water supply problems if the projected reoccurrences of drought occur as suggested by climate change models. This will effect what species of trees will be able to survive such low rainfall patterns.



U.S. Geologic Survey map showing the precipitation variance in Central California. San Jose’s annual average precipitation is 14.66 inches.

The monthly temperature ranges for San José provide a very moderate climate, with temperatures that are very conducive to tree growth. The average frost free period extends from January 14th to December 22nd, meaning that there is typically a long growing season of 342 days between killing frosts. The precipitation pattern is typical of a Mediterranean climate with the great majority of the rainfall occurring during the winter



A graph developed from the Western Regional Climate Center's data (1948-2005) shows San José's benign climate with few excessively hot or

### Soils

Many of the soils of Santa Clara Valley are also conducive to tree growth. They are primarily rich clay loams that have sufficient natural fertility for good tree growth and are fairly water retentive helping the trees survive the long dry summer season. When much of the valley was planted in orchards, most were concentrated in specific areas, such as Willow Glen, Berryessa, and Cambrian, where good soils and sufficient ground water supported the trees or water was readily available for irrigation. The areas that were not in orchards were more commonly kept as grassland and mainly used for raising cattle. The soils in Santa Clara Valley have a neutral to slightly alkaline pH range of 7.0 to 7.6, which again is conducive to growing most trees, except those that are native to very acidic environments. Future policy could



Courtesy of San José Public Library - California Room



# **Appendix I**

Excerpt from  
***San Jose Downtown  
Streetscape Master Plan***

## **Landscape Policies**



**The Redevelopment  
Agency of the  
City of San Jose**

50 West San Fernando St.  
Suite 1100  
San Jose, CA 95113

**Project Team**

SMWM

Fehr & Peers  
Associates, Inc.



**San Jose Downtown Streetscape Master Plan**

## Landscape Policies

San Jose, a city whose building heights are constrained by the nearby San Jose International Airport, has through its numerous streetscape improvements developed a memorable identity at street level. Within that realm, the street tree canopy is the dominant organizer of space and plays a key role in determining the character of the Downtown. Found on most every street, the City's strong tree canopy provides and is valued for the shade, graciousness, scale, and character it gives to the street and plays a primary role in the physical geography of the City.

The Landscape Policies build upon the existing tree canopy developed largely through the 1989 Streetscape Master Plan by identifying the remaining gaps and expanding the plan to include the Greater Downtown as defined by the Strategy 2000 Plan. Additionally, this plan expands upon the comprehensive set of guidelines outlined in the Redevelopment Agency's 1997 *Final Draft of the Street Tree Manual* and integrates them with the guidelines, standards and policies outlined herein for the City's streetscape. Finally this plan builds on the goals and objectives of Strategy 2000, which call for the use of plantings and other streetscape elements to "improve the walkability and comfort of streets in the Greater Downtown."

This Plan Summary contains landscape information relevant to the initial design and layout of trees along the street corridor. For more specific information on tree species, establishment, planting and inspection policies refer to the entire RDA Street Tree manual.

### FORM AND CHARACTER

Trees in the Downtown should offer a rich canopy that covers the majority of the sidewalk and extends into the street. Trees should offer shade on the sidewalk but it should not be so thick as to prevent filtered sunshine. Trees should offer a measure of heat moderation in the summertime and may lose their leaves in the winter to allow the sun to pass through to the street level.

### PRIORITY PLACEMENT

To ensure a consistent canopy along the street corridor it is imperative that the design and layout of the street trees have priority over streetscape elements/furniture. By laying out the street trees first, the rhythm and consistency of the tree canopy in the Downtown can be maintained.

### ACCEPTED STREET TREES

The species detailed in the Tree List by Street section below have been successfully used as street trees in the local San Jose area and are the only accepted trees for use on Greater Downtown streetscapes.

### PROHIBITED TREES

The following species have exhibited problems in the local climate and growing conditions have not been successful as street trees in San Jose. These species may not be used as street trees under any circumstances in the Downtown.

American Sweet Gum: *Liquidambar styraciflua*

Idaho Locust: *Robina ambigua* 'Idahoensis'

Tulip Tree: *Liriodendron tulipifera*

Raywood Ash: *Fraxinus oxycarpa* 'Raywood'

Thick heavy evergreen trees such as *Ficus* are not recommended.

### CALIFORNIA DEPARTMENT OF FORESTRY TREE SELECTION AND PLANTING GUIDELINES

These guidelines should be followed for the selection and planting of street trees and are included in the Appendix for reference.

### INFILL PLANTING

Whenever possible street tree gaps in the Downtown should be filled using the tree species pattern already established for the street, in situations where the dominant and/or preselected tree is no longer allowed, a tree of similar leaf type, height, spread, and color should be used as the infill tree.

### ASSESSMENT DISTRICT

The Transit Mall in the Downtown is a special Assessment District administered by the San Jose Department of Transportation (DOT) which pays for and maintains the street trees and other streetscape elements in the District. This District as well as other potential future Districts may have guidelines which supercede those within this plan and the District administrators should be contacted for more information.

### TREE SELECTIONS BY STREET

The preferred street trees map details the existing and/or chosen tree for all streets in the Greater Downtown. Exceptions to these trees need approval of RDA Landscape Design Staff and/or RDA Arborist and must follow the selection criteria.

The selected trees identified in some cases may be different than the existing dominant tree. As existing trees die or are removed they should be replaced by the chosen tree for the street.

### TREE SELECTION CRITERIA

The selection of new trees for the Greater Downtown utilized the following guidelines to ensure both their survival and appropriateness. Future tree selection as necessary must follow these guidelines.

**Local Examples/Performance:** Potential trees must have a proven track record in the local climate and environment as successful street trees. As the urban environment for street trees is much more difficult than in other growing conditions, trees must be successfully grown in an urban environment for 5-6 years. Trees that have been proven in similar climates but not specifically in the southern Bay Area are not acceptable.

**Disease Resistance:** Trees must have a proven record of disease prevention in difficult urban conditions.

**Watering:** In most cases, selected species do not require special watering after establishment. After a period of establishment (5 years) trees will not be regularly watered in the Downtown unless watered by an automatic irrigation system. In new developments all new trees are to be watered using an automatic irrigation system. All irrigation backflow devices and controller assemblies are to be within the Building and maintained by the property owner.

**Canopy/Size:** Trees should have an average height in urban conditions at maturity of at least 25 feet with a spread of at least 10 feet. Trees species are not naturally low branching and are able to conform to vertical clearance guidelines listed below without excessive pruning.

**Color:** In the Downtown, as part of the sidewalk, street trees should be light to mid-green in color. Trees with heavy dark green leaves, purple or other colored leaves are generally discouraged as they provide too much shade and darken the street corridor. Purple/red-leafed trees are allowed in adjacent plazas or parks.

**Leaf and Seed/Flower:** A variety of leaf shapes are selected, though excessively large leafed tree species such as Catalpa's are prohibited. Trees that drop excessive amount of seed or flower debris are also prohibited.

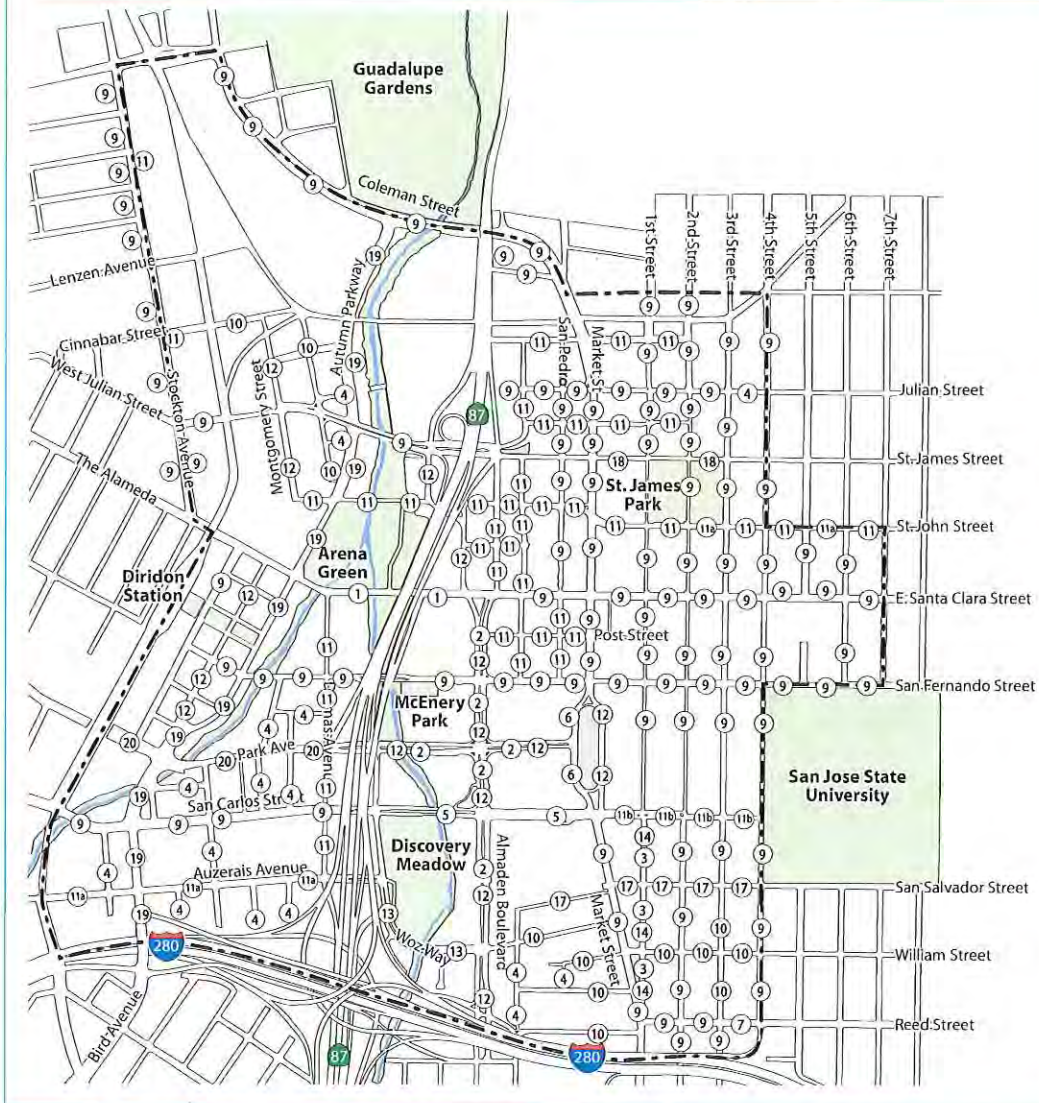
**Roots:** Trees must not be prone to the uplifting of sidewalks due to shallow rooting.

**Shape and Form:** Spreading, vase-shaped or pyramidal canopied trees are encouraged. Columnar trees are discouraged unless the unique conditions of the street dictate a tree with a narrow canopy.

**Evergreen/Deciduous:** Generally deciduous trees are selected in the Downtown for their less dense canopy, the possibility of fall color and the additional light available at the ground level after they shed their leaves in the fall. Evergreen trees that have a naturally light canopy are allowed.

## Legend

- |                                    |                          |  |
|------------------------------------|--------------------------|--|
| ① Washingtonia robusta             | ⑩ Pistacia chinensis     | ⑮ Grass median   |
| ② Washingtonia filifera            | ⑪ Pyrus calleryana       | ⑯ Quercus sp. and Ulmus americana  |
| ③ Jacaranda mimosaeifolia          | ⑪a Chanticleer           | ⑰ Koelreuteria bipinnata   |
| ④ Lagerstromemia indica            | ⑪b Aristocrat            | ⑱ Sophora japonica "Regent"  |
| ⑤ Celtis sinensis                  | ⑫ Gleditsia triacanthos  | ⑲ Quercus agrifolia - street<br>Ginko bilboa and Arbutus marina - median |
| ⑥ Prunus cerasifera 'Atropurpurea' | ⑬ Cinnamomum camphora    | ⑳ Sophora japonica - street<br>Jacaranda - median                        |
| ⑦ Ulmus sp.                        | ⑭ Syagrus romanzoffianum |  |
| ⑨ Platanus acerifolia 'Yarwood'    |                          |  |



Existing and/or preferred trees by street

### MINIMUM PLANTING DIMENSIONS

An adequate planting area is crucial for the health and long-term success of a street tree. While trees are encouraged on all Downtown streets it may not be appropriate or possible to plant them in certain infill conditions. All new streets must meet the minimum-planting dimensions to ensure the feasibility and health of street trees. All tree planting areas require structural soils and may require soil to be amended depending on existing soil conditions.

A 5'x5' or 4'x6' planting pit is required for all new street tree installations.

In some infill/retrofit instances where the sidewalk width will be less than 10' alternative planting solutions may be considered. These may include planting trenches using structural soil, pervious concrete pan lids and other options approved by the RDA Landscape Design Staff on a case-by-case basis.

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**Urban Structure Streets:** 5'x5' or 4'x6'

**Downtown Pedestrian Network Streets:** 5'x5' or 4'x6'

**Downtown Residential Streets:** 4'x4'

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### PROTECTION OF TREES DURING CONSTRUCTION

All construction activity around trees is to be reviewed and approved by the Agency Arborist and Senior Landscape Architect prior to commencement of work.

#### Prior to construction

- Water the trees to be retained if not during the winter rainy season.
- Install a chain link fence or other approved fence around every tree to be preserved.

#### Maintenance of trees during construction

Under the guidance of an Agency-approved certified arborist and pest control advisor

perform the following services as required to maintain vigorous growth and good health.

- Water with a deep root probe as necessary to maintain a moistened root ball.
- Fertilize as necessary during the growing season.
- Prune as needed to develop structure or remove dead limbs and crossing branches.
- Treat for diseases and pests.
- Roots:
  - No roots larger than two inches shall be cut without approval of Agency Arborist.
  - Do not cut roots with a back hoe or other digging device.
  - If roots are approved for removal or cutting, make a clean cut using a sharp instrument.
- Do not change the soil grade within the dripline of the tree.
- Do not park vehicles under trees.
- No materials shall be dumped around the base of the tree. This includes, but is not limited to: paint, water from cleaning brushes, chemicals, cement water, debris lumber or metals, bricks.
- Leave fence in place throughout construction.

#### After construction

- Prune as necessary using Agency-approved certified arborist.
- Trace wounds on trunks of trees.
- Aerate and relieve soil compaction as needed.
- Fertilize if needed.

### TREE REMOVAL

The removal of existing street trees to make way for building signs or other streetscape elements is strongly prohibited. Efforts must be made to locate new driveways between existing trees whenever possible. When no feasible alternative exists an application to remove a tree for a driveway can be considered by the City and Agency. Wherever possible new development should be planned to fit around the existing street

trees, and variances to the Guidelines contained herein should be applied for from the Department of Public Works.

To request removal of a tree, obtain a permit from the City Arborist (277-2762). Coordinate removal of tree with City Arborist and SJRA Arborist.

In situations where a single tree must be removed, a replacement tree should be planted adjacent provided it meets all applicable 'Clear Zones' guidelines. In no instances may two or more trees be removed from the streetscape without their replacement in a manner consistent with the existing species pattern size and spacing of trees on the street.

#### VERTICAL CLEARANCE

An adequate vertical clearance along the sidewalk provides a clear view for pedestrians ensuring a higher degree of safety and a better opportunity to observe retail signs and entrances. Vertical clearance along the street is absolutely necessary to avoid trucks and buses from hitting and damaging street trees.

The following guidelines outline the minimum dimensions for vertical clearance in the Downtown and trees should be pruned as necessary to maintain proper clearance after an establishment period of 2-5 years. All pruning

is to be under the supervision of a certified arborist and/or a City and Agency arborist.

**Along the Sidewalk:** Minimum height at edge of tree well/tree grate: 8'

**Along the Street:** Minimum height at curb, from top of curb: 13'

#### HORIZONTAL CLEARANCE

Planning, planting and pruning for an adequate horizontal clearance along buildings and signs will result in a tree canopy that is even on both the sidewalk and the street and does not result in a tree looking crowded against the building edge.

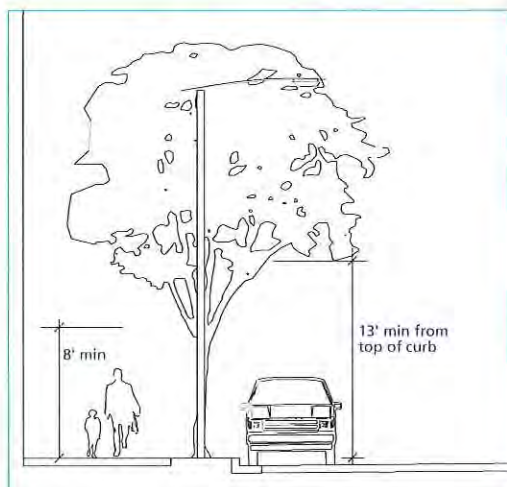
Recognizing the importance of theaters and theater marquee signs in downtown, exceptions to interrupt the street tree rhythm are permitted.

The following guidelines outline the minimum distances for horizontal clearance to the building edge and trees should be pruned as necessary to maintain clearance at maturity: 5 years.

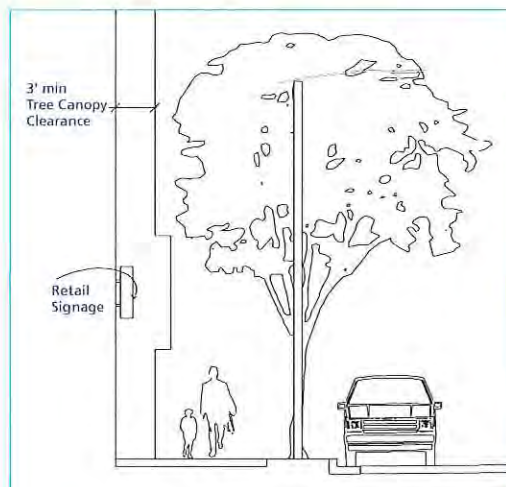
**Urban Structure Streets:** 3'

**Downtown Pedestrian Network Streets:** 3'

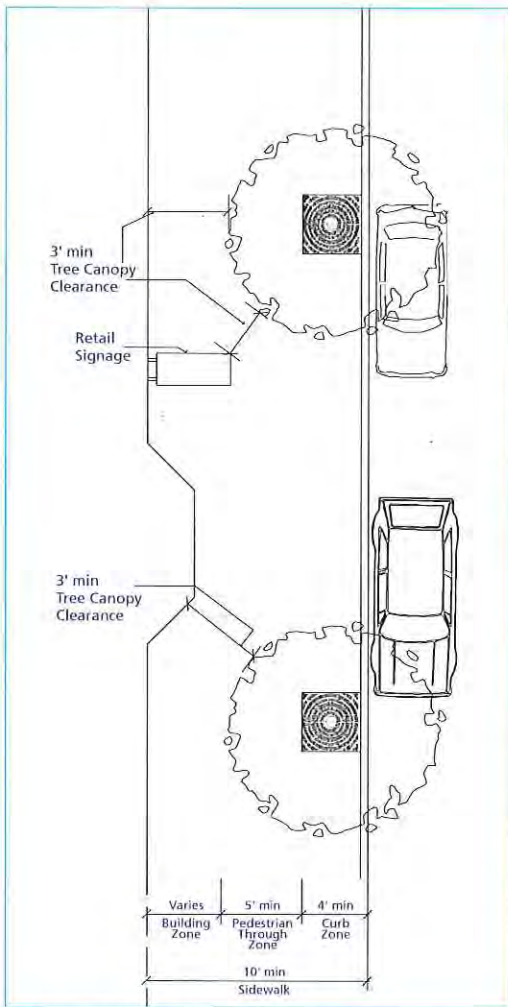
**Downtown Residential Streets:** 3'



Vertical clearance for street trees



Horizontal clearance for street trees



Horizontal clearance of tree canopy

### CLEAR ZONES

While trees are allowed to be planted anywhere outside of the Corner Clear Zone, the following distances represent the minimum distance a tree must be planted from existing or concurrently planned streetscape infrastructure. In some instances where infrastructure or trees already exist these guidelines may be adjusted or altered subject to the approval of the Department of Public Works.

Overhead/cobrahead style street lights and overhead signal devices: 20'

Single or double-headed acorn style street lights: 20'

Pedestrian sidewalk lighting: 10'

Residential driveways: 5'

Commercial driveways: 10'

Sewer lines: 10'

Stop signs: 20'

Other Streetscape furniture/elements: edge of tree well, one-side only. Other side: 3'

Underground utilities: 5'

Utility cabinets: 5'

Fire hydrants: 5'

Bike racks: 2'

Corners: 40'

These guidelines do not apply on the Transit Malls which are subject to specific transit Mall Guidelines developed by the SJRA.



## TREE GRATES

To increase the walkable area of the sidewalk as well as to protect street trees, tree grates are recommended for all street trees on Urban Structure and Downtown Pedestrian Network streets.

### Placement Guidelines

- The standard 5'x5' San Jose tree grate, Boulevard Collection model R8713 and the 4'x6' grate R8811 from Neenah Foundry, is required unless another grate has been approved for use along Urban Structure Streets, or in the case of a special situation as outlined below. Grates must be bolted at each corner using hex bolts and tree gates must be bolted to tree guards if used.
- Streets with planting strips do not require tree grates.
- Urban Structure Streets with sidewalks greater than 15' may use other treatments as part of an overall street specific design for the entire street length at the approval of RDA Landscape Design Staff.
- The use of tree-pan lids is discouraged, though may be used at the discretion of RDA Landscape Design Staff in special instances, such as cases of narrow sidewalks.
- Tree grates need to be inspected regularly and enlarged as necessary to accommodate tree growth. (Per City Ordinance, property owners are responsible).
- For new development or significant rehabilitation, non-conforming grates are to be replaced to meet accessibility standards.



The approved San Jose tree grate, Boulevard Collection Model R8713 with the approved Model "C" tree guard both from Neenah Foundry

### TREE STAKING AND GUYING

Street tree staking or guying is necessary to promote straight growth and to help prevent damage from wind and vandalism. All new street trees must be staked or tied to tree guards at the time of planting to minimize the potential for damage. Trees should be staked/guyed for a minimum of 1 year. Additionally staking/guying may be required as determined by RDA Landscape Design Staff or authorized arborist. In these situations the need for staking/guying should be reviewed every six months.

Street trees should be staked/guyed according to the following details. If tree grates and guards are not utilized, the standard street tree staking detail should be used in all cases.

When tree grates are used, tree guards are required.

Tree straps and/or cinch ties must be readjusted as needed to avoid damaging the tree. At this time, trees with guards must be inspected to ensure tree and guard are not rubbing.

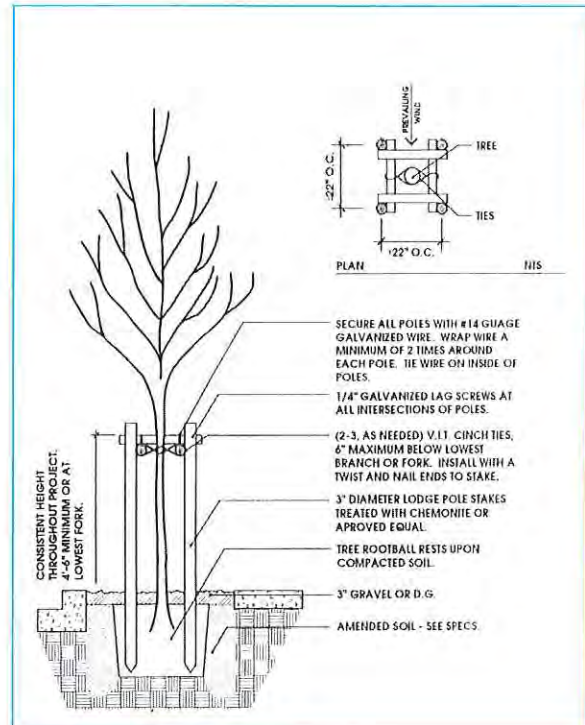
Tree staking can be used on Urban Structure and Downtown Pedestrian Network Streets when grates and guards are not utilized.

**Urban Structure Streets:** Tree guards with guying.

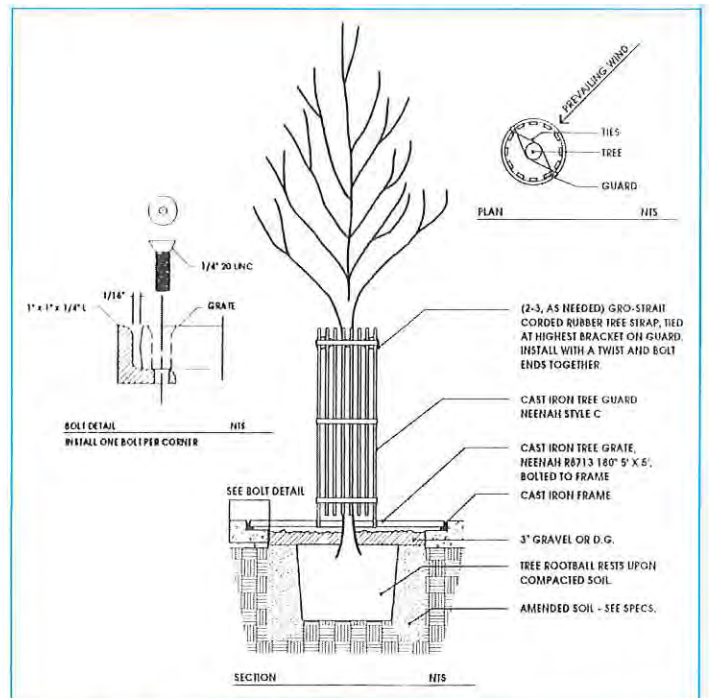
**Downtown Pedestrian Network Streets:** Tree guards/guying.

**Downtown Paseos:** Tree guards with guying.

**Downtown Residential Streets:** Tree staking/guying.



Tree staking detail



Tree guard and guying detail

## **Appendix J**

### **PRNS**

# **Tree Removal Procedures**

## **Procedures for the Removal of Trees Located in Park or Trail Areas under the Jurisdiction of the City of San José Department of Parks, Recreation, and Neighborhood Services (PRNS)**

The City Council has directed that City staff should follow as closely as possible the procedures for tree removal that are in place governing private property owners. Therefore any tree should be posted for 17 days to allow sufficient time for neighbors and park users to be aware of the imminent removal and to direct concerns or questions to Park staff or to the Arborist's Office. However, no formal hearings will be held regarding the proposed removal.

Standard Procedures for dealing with a dead or dangerous tree:

1. Tree related concerns which are not imminent or immediate dangers should be reported on the PRNS Park Concern line at 793-5510. If a citizen discovers a tree that appears to be in the process of imminently falling over or splitting apart, PRNS Dispatch should be notified by calling (408) 975-7222 during normal business hours or 277-8956 after hours (3pm-7am or weekends). Please request the Parks Division Standby Supervisor be contacted.
2. The PRNS Dispatch will then contact the appropriate Parks supervisor, manager, or maintenance personnel to visit the site. If PRNS staff finds that the condition of the tree appears to them to be an immediate danger to people or property, the area around the tree, and especially the area where the tree will likely fall, should be cordoned off to alert the public. If possible, digital photographs of the tree and site should be taken and distributed to the appropriate Park Manager and City Arborist Office.
3. If PRNS staff finds that the tree presents an imminently dangerous condition (e.g. falling over or splitting apart) **and** the tree is large enough to produce significant injury or property damage, the appropriate PRNS manager should be notified to contact the PRNS tree contractor to abate the immediate hazard.
4. If PRNS staff finds that the tree appears to be stable but presents a potentially dangerous condition, the City Arborist's Office (277-2762 or 277-5514; [arborist@sanjoseca.gov](mailto:arborist@sanjoseca.gov) or [ralph.mize@sanjoseca.gov](mailto:ralph.mize@sanjoseca.gov)) should be contacted to request an immediate inspection of the tree.
5. If the Arborist's Office inspector determines that the tree should be removed, the tree should be posted with an approved PRNS notice, ideally for seventeen days. This notice will alert the neighbors and park users that the tree will soon be removed and replaced.
6. The tree should be replaced with the suitable number of replacement trees. A tree removed that had a trunk greater than 18" in diameter (56" in circumference measured at 2' from the ground), should be replaced at a 4:1 ratio, pending a site evaluation and resource review. Below that measurement, a 1:1 ratio is sufficient. The Arborist's Office staff is available to assist PRNS with selecting an appropriate replacement species for the site.

## **Appendix K**

# **Special Landscape Assessment Districts**

## Special Landscape Assessment Districts

The City of San José establishes special landscape assessment districts to maintain improvements of a public nature that provide special benefits to the property owners served. These landscape improvements typically include items such as street islands with enhanced landscaping, fountains, plazas and other decorative features in the public right of way. Since the maintenance of these enhanced facilities directly benefit the individual parcels within the district rather than the City as a whole, the maintenance costs are assessed to the property owners within the Maintenance Assessment District boundaries.

### CFD 1: Capitol Automall

The landscape features maintained by this CFD are inclusive of all median islands on Capitol Auto Mall Parkway and Hillsdale Avenue between Highway 87 and Gardendale Drive which includes the decorative towers, raised planters and palm trees. This district also encompasses the grassy lawn frontage and grove of pear trees at the South West corner of Highway 87 and Capitol Auto Mall Parkway.

### CFD 2/3: Evergreen Specific

The landscape features maintained by this CFD are within the area known as Evergreen Specific. It is roughly bound by Quimby Road, Murillo Avenue, Ruby Avenue, Fowler Road, Yerba Buena Road, Delta Road and San Felipe Road. Besides the typical roadway landscaping, this special district includes the plaza and fountain in the Village Plaza, three lakes, two creek corridors, nine pocket parks and six paseos (landscaped walkways).

### CFD 8: Communications Hill

Communications Hill can be described as a dense, urbanized residential neighborhood making it a unique community in the City. It is comprised of two separate developments: Dairy Hill on the north side of Communications Hill and Tuscany Hills on the south side of Communications Hill.

### CFD 12: Basking Ridge

CFD 12 is located on the east side of US Highway 101 and Bernal Road. This maintenance district was developed on a non-urban hillside. While it surrounds approximately 200 residential homes it also backs up to existing open space that is home to wild turkeys and pigs. Due to the location, the construction of detention basins, drainage ditches, swales, and a pump station have all been developed to provide environmental solutions for storm and sanitary sewer services to this community. There is also a cattle crossing/gate along the emergency access road and walking trails that lead to the open range. A bioswale and frog wall has been added to this new development site, the latter to accommodate the endangered California Red Legged Frog (*Rana aurora daytonii*), providing it a safe harbor by containing them in their existing environment.

#### MD 1: The Paseos 1, 2, and 3

The landscape features maintained by MD 1 are found in three (3) landscaped walkways called Paseos. The Paseos are nestled between residential housing and were built as a source of connection within the community. They serve as a natural setting that promotes a sense of tranquility and wild life habitat. The three paseos include:

- Paseo 1, beginning on Via Rotella and concluding at Los Paseos Park
- Paseo 2, beginning at Avenida Espana and concluding at Cheltenham
- Paseo 3, beginning at Avenida Espana and concluding at Gresham Court.

#### MD 2: Lundy-Concourse-Tradezone-Ringwood

MD 2 is a commercial area that is partially named after the Foreign Tradezone (FTZ) #18; this FTZ is represented by the large stamped concrete blocks located in the median island of Lundy Avenue near McKay Drive and the South West corner of Lundy Avenue and Tradezone Blvd. The landscape features maintained by this MD are all located within three sections of the commercial district:

- Section 1 – The median islands on Trade Zone Boulevard, Lundy Avenue and Concourse Drive. There are flagpoles in the median on Concourse that are also maintained as a part of this landscape and they bear flags representing both the city and state. These flags are replaced one to two times a year by our department.
- Section 2 – Two mini-parks on the northeast and southeast corners of Lundy and Concourse. These mini-parks consist of turf, trees, shrubs, groundcover, hardscape and benches and ultimately provide a lunchtime respite from the indoor work environment.
- Section 3 – Frontage landscapes on Ringwood Avenue & Trade Zone Boulevard. They consist of turf, trees, shrubs, non- planted areas and groundcover.

#### MD 5: Orchard-Plumeria

This is a commercial district full of mature shade trees, and neatly manicured lawns. The two main entrances to the district include median islands adorned with flowers. These specific areas include:

- The median islands on Orchard Parkway from North First Street to Trimble Road
- The median islands on Plumeria from Orchard Parkway to North First.

#### MD 8: Plumeria-Zanker-Daggett-Montague

This is a commercial district full of mature trees, and neatly manicured lawns. The main entrances to the district include median islands adorned with flowers. The landscapes maintained by this district include the following:

- Median island landscaping on Plumeria Drive from North First Street to Montague Expressway.
- Median island landscaping on Zanker Road from Trimble Road to Montague Expressway.
- Triangle shaped islands on Daggett Drive, one at the intersection of North First Street and another at the intersection of Zanker Road.
- The landscape in front of the fence on the south side of Montague Expressway from North First Street to Trimble Road.

MD 9: Cottle-Santa Teresa-Bernal-San Ignacio-Great Oaks

The landscape maintenance areas of this MD are supported by the commercial properties in this district and include:

- The median islands on Cottle Road, 780 feet North of Poughkeepsie Road to Santa Teresa Blvd
- The median islands on Santa Teresa Boulevard from Cottle Road to Bernal Road
- The median islands on Bernal Road from Santa Teresa Blvd. to San Ignacio Avenue
- The median islands on San Ignacio Avenue from Bernal Road to Great Oaks Blvd
- The median islands on Great Oaks Blvd. from Santa Teresa to Highway 85
- The frontage landscape at Lissow Drive
- The frontage landscaping on the north side of Santa Teresa Blvd from Liska Lane to 300 feet east of Lissow Drive

MD 11: Old Oakland-Brokaw

This Maintenance District area is inclusive of a combined total of 40,000 square feet of groundcover, shrubs and trees. Two ornamental water fountains are strategically located on Brokaw Road near Ridder Park Drive. They operate during peak traffic hours in an effort to enhance the ride and provide a calming affect on commuters using this travel route. The specific areas include:

- Median islands from 1000 feet east of Old Oakland Road to 30 feet west of Junction Avenue
- Pork chop islands at Old Oakland Road and Brokaw
- Median islands from 300 feet south to 600 feet north of Brokaw Road

MD 13: Karina Court-O'Nel Drive

MD 13 includes the median islands on Karina Court from North First Street to O'Nel Drive and the medians on O'Nel Drive from Karina Court to Guadalupe Parkway. Two large water fountains adorn the center of the two main roadways and are in full operation at all times of the day.

MD 15: Silver Creek

MD 15-Silvercreek community was developed with the inspiration of Tuscany-style architecture and is the home of the Silver Creek Country Club Golf Course. Maintenance of landscaped areas within this district includes the median islands, frontages, slopes and regional trails in the zones listed below. At the southern most end of MD15 are extensive areas of open space adjacent to Thompson Creek.

*Silver Creek Valley Road*

- Median islands from Hellyer Avenue to Yerba Buena Road
- Westside frontages from Yerba Buena Avenue to 300' north of Hawkstone Way and 300' south of Hawkstone to Hellyer Avenue
- Eastside frontages from Hellyer to Country Club Parkway and from the bridge at Country Club to Hillstone Drive

*Farnsworth & Silver Ridge*

- All frontages



#### MD 15: Silver Creek (continued)

##### *Yerba Buena Avenue*

- Median islands from San Felipe Road to Chisin Street
- North side frontages from Yerba Buena Avenue to Chisin Street
- South side frontages from Silver Creek Road to Byington Drive

##### *California Oak Creek*

- Entrance landscaping at Early Morning Lane and Heartland Way and San Felipe Road

##### *Nieman Boulevard*

- West side frontage landscaping from 100 feet south of Terrena Valley Drive to 500' north of Milky Way
- East side frontages from Yerba Buena Road to approximately 200' north of Quail Bluff Lane
- Median islands at Nieman and Yerba Buena

##### *Larkspur Canyon Road*

- Entrance monuments and median island at San Felipe Road
- Landscaped frontages on south from San Felipe to Stoneycreek Place
- Landscaped frontage on east side from San Felipe Road to 300' past trail

##### *Regional Trails*

These trails consists of five (5) miles of 8-foot-wide concrete trail and retaining walls along Silvercreek and Farnsworth slopes

#### MD 18: The Meadowlands

The landscapes maintained in MD 18 are inclusive of all four entrance areas leading to the Meadowlands subdivision located along San Felipe Road. These four entrances are located at Scenic Meadow Lane, Meadowlands Lane, flowering Meadow Road, and Metzger Ranch. The historically preserved Metzger Ranch and barn has a BBQ picnic area that is open for public use and maintained by both the Parks department and the Special Landscape Districts, Infrastructure Maintenance Division.

#### MD 19: River Oaks-Research-Zanker

This is a commercial business district that is predominantly landscaped with mature trees, lush lawns and flowers that are routinely changed out three to four times a year. The areas maintained by this district include the median islands on River Oaks Parkway, Research Place, and Zanker Road.

#### MD 20: Renaissance-First

This area is inclusive of the median islands located on North First Street from Nortech Parkway to Tasman Drive, around Lamplighter Sanitary Station, and on Renaissance Drive. It also includes the south frontage landscaping on Renaissance Drive.

#### MD 21: Airport-Gateway-Metro-Skyport

This maintenance district is a commercial community with maintenance areas including the median islands on Airport Boulevard from Guadalupe Parkway to North First Street, Gateway Place median islands, Metro median islands from Technology Drive to North First Street and Skyport Boulevard median islands from Technology Drive to North First Street.

MD 22: Hellyer-Silver Creek Valley

MD 22 consists predominantly of commercial properties and undeveloped open space. The secluded community is nestled against the foothills of San José. The maintenance area is inclusive of the median islands on Hellyer Avenue from Highway 101 to Silver Creek Valley Road and the median islands on Silver Creek Valley Road from Hellyer to Piercy Road.

**Appendix L**

**Glossary**

## Glossary of Terms

ANSI Standards – a set of standards put forth by the American National Standards Institute (ANSI) to help ensure openness, balance, consensus and due process in tree-related work

Acidic – soil having a pH of less than 7.0; in the Santa Clara Valley, typical acidic soils range from 5.5 to 6.9, with 7.0 as neutral

Alkaline – soil having a pH of more than 7.0; in the Santa Clara Valley, typical alkaline soils range from 8.2 to 7.1, with 7.0 as neutral

\*\*Arborist, Certified - a person that holds an arborist certification from the International Society of Arboriculture, a Registered Consulting Arborist number from the American Society of Consulting Arborists or an expert in arboriculture as determined by the director

\*\*Arborist Report - a written, formal report which documents the species, condition, description of work required, alternatives to the work (where applicable) and recommendations for action including, but not limited to mitigation methods, pruning, removal and planting of tree(s)

Auger Slick – the smooth, compacted soil resulting from drilling an auger into clay soil

Back-Up Landscaping – an area of city-maintained landscaping located between a city street and a city fence or soundwall; for further clarification, please contact the City Arborist's office

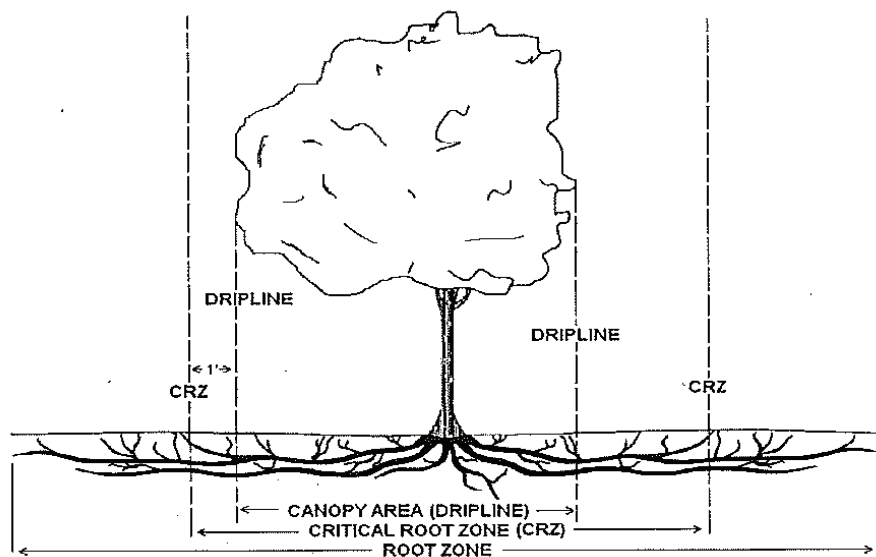
Canopy – the upper layer of vegetation formed by tree crowns

Central Leader – the upright, main stem of a tree from which all secondary branches originate

Circling Roots – roots growing in a circular manner around the trunk of a tree, often crossing and constricting other roots, as well as restricting the development of the trunk of the tree

Community Forest – the collection of trees growing in the City of San Jose, which includes street trees, parks trees, trees along City properties and private property trees

\*\*Critical Root Zone (CRZ) - a defined area around a tree with a radius measured to the nearest foot measurement of the trees longest dripline radius plus 1 foot; see Figure below. The root zone may extend 2 to 3 times the distance of the CRZ.



## **Glossary of Terms**

Cut-out (tree well) – an opening in a paved area adjacent to a sidewalk or walkway in which a tree is planted

\*Dripline - the area around the base of a tree directly under the canopy cover of the tree and extending out as far as the canopy

Exotic Species – vegetation introduced to an area in which it would not naturally grow

Frontage Landscaping – an area of city-maintained landscaping that lies between a front property line and a city street; for further clarification, please contact the City Arborist’s office

General Fund – the operating fund that supports the majority of the City’s programs

Ground Plane – the surface of the soil

Hardiness Zone – a geographically or climatically defined zone in which a specific category of plant is capable of growing

\*\*Hardscape - the paved surfaces within the landscape like sidewalks, driveways, curb, gutter and pavement

Hardship Program - a limited program to assist low-income property owners with the cost of their street tree and/or sidewalk repairs; if the property owner meets the low-income qualification, the cost of required repairs, including pruning or removal of street trees, or the tree emergency services performed, will be paid for by the program

\*Heritage Tree - any tree which, because of factors including but not limited to its history, girth, height, species or unique quality, that has been determined by the city council to have a special significance to the community

Integrated Pest Management (IPM) - a decision making process for managing pests using monitoring to determine pest injury levels and combines biological, cultural, physical and chemical tools to minimize health, environmental and financial risks

Invasive Species – vegetation introduced into an area where it is not naturally found that possesses the ability to overtake the plant community in which it is introduced

Line-of-Sight – a straight line in which clear visibility exists

Median Island – a City-maintained area of either landscaping or concrete located along the centerline of a City street

Mulch – a protective covering placed around the base of vegetation in order to discourage weed growth and help to retain soil moisture

Native Species– vegetation growing in the geographic area where it is naturally inherent

Nursery Stake – a rigid stake affixed directly to the trunk of a sapling while at the nursery; proper planting techniques involve removing this stake in favor of properly placed planting stakes

\*Ordinance Tree - any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six inches or more in circumference at a height of twenty-four inches above natural grade slope. A multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four inches above natural grade slope

\*Park Strip - the area of the street lying between the face of curb and the sidewalk

pH - a measure how acidic or alkaline a soil is, as described by a logarithmic progression from 0-14, with 7.0 as neutral

## Glossary of Terms

**\*\*Planting Easement** - an area of a property owned by others used for the benefit of the public for planting trees, shrubs or hedges contiguous to the public right-of-way for vehicular traffic

**Planting Stake** – a post loosely fastened around the trunk of a newly planted tree in order to provide additional support; a proper planting stake should not be taller than the lowest permanent branch on the tree and should not be inserted into the root ball

**\*\*Prune** - removing any segment of the above or below-ground woody tissues of a tree

**Public Right-of-Way** – an area of land allotted to public use through an easement

**\*Remove** – to eliminate, take away, uproot or destroy a tree; includes taking any action that reasonably and foreseeably will lead to the death of a tree or to permanent significant damage to the health or structural integrity of a tree. Can include, without limitation and by way of example, excessive pruning, cutting, girding, poisoning, or watering of a tree; the unauthorized relocation or transportation of a tree; excessive excavation, alteration, or grading of the soil within the dripline of a tree, or excessively bruising, tearing or breaking the roots, bark, trunk or branches of a tree.

**Riparian Corridor** – any defined stream channels including the area up to the bank full-flow line, as well as all riparian (streamside) vegetation in contiguous adjacent uplands

**Root Ball** – the main roots of a tree and soil attached to them

**Root Flare** – the widened area at the base of the tree where the main, woody roots of the tree extend into the soil from the trunk

**Site Plan** – a detailed scale diagram showing what changes or improvements will be made to a location

**Soil Amendment** – a material added to the soil to change the chemistry or physical properties in order to improve the health of vegetation

**Soundwall** – a concrete wall built in order to help block or dampen sound in noise-sensitive areas from heavy traffic and other forms of noise pollution

**Special Landscape Assessment Districts** – areas of the city in which property owners pay an assessment fee on their annual property tax bill in order to receive benefits such as street islands with enhanced landscaping, fountains, plazas and other decorative features in the public right of way

**Street Tree** – a tree located in the public right-of-way

**\*Topping** - cutting the branches of an ordinance tree in a manner that destroys the existing symmetrical appearance or natural shape of the tree; involves the removal of main lateral branches and leaving the trunk of the tree or major branches of the tree with a stub appearance

**Traffic Calming** – the deliberate reduction of traffic speed, commonly using the installation of medians or barriers or changes to the road itself

**Tree Form** – general structure and typical growth habit of a tree species as seen from a distance

**Tree Grate** – a metal structure set flush with the pavement in a tree cutout around the base of a tree; typically found in downtown areas

**Tree Protection Zone** – a designated area around the base of a tree that is to be protected with fencing during construction activities in order to avoid soil compaction and damage to tree roots

## **Glossary of Terms**

Watering Basin – a ring of soil surrounding the CRZ of a young planting that serves to hold water in the root zone rather than allowing for runoff

### **Acronyms Used**

ASCA – American Society of Consulting Arborists

ANSI – American National Standards Institute

APN – Assessor’s Parcel Number

Cal FIRE – California Department of Forestry and Fire Protection

Caltrans – California Department of Transportation

DFG – California Department of Fish and Game

DOT – Department of Transportation

IPM – Integrated Pest Management

ISA – International Society of Arboriculture

PBCE – Department of Planning, Building and Code Enforcement

PG&E – Pacific Gas and Electric

PRNS – Parks, Recreation and Neighborhood Services

SCVWD – Santa Clara Valley Water District

USDA – United States Department of Agriculture

**\*- Terms directly from original municipal codes**

