



Tree Committee
AGENDA

Monday, February 12, 2024, 5:30 p.m.
Council Hearing Room, 990 Palm Street, San Luis Obispo

TREE COMMITTEE SPECIAL MEETING

The Tree Committee holds in-person meetings. Zoom participation will not be supported at this time.

INSTRUCTIONS FOR PUBLIC COMMENT:

Public Comment prior to the meeting (must be received 3 hours in advance of the meeting):

Mail - Delivered by the U.S. Postal Service. Address letters to the City Clerk's Office at 990 Palm Street, San Luis Obispo, California, 93401.

Email - Submit Public Comments via email to advisorybodies@slocity.org. In the body of your email, please include the date of the meeting and the item number (if applicable). Emails *will not* be read aloud during the meeting.

Voicemail - Call (805) 781-7164 and leave a voicemail. Please state and spell your name, the agenda item number you are calling about, and leave your comment. Verbal comments must be limited to 3 minutes. Voicemails *will not* be played during the meeting.

**All correspondence will be archived and distributed to members, however, submissions received after the deadline may not be processed until the following day.*

Public Comment during the meeting:

Meetings are held in-person. To provide public comment during the meeting, you must be present at the meeting location.

Electronic Visual Aid Presentation. To conform with the City's Network Access and Use Policy, Chapter 1.3.8 of the Council Policies & Procedures Manual, members of the public who desire to utilize electronic visual aids to supplement their oral presentation are encouraged to provide display-ready material to the City Clerk by 12:00 p.m. on the day of the meeting. Contact the City Clerk's Office at cityclerk@slocity.org or (805) 781-7114.

1. CALL TO ORDER

Chair Elizabeth Lucas will call the Special Meeting of the Tree Committee to order.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The public is encouraged to submit comments on any subject within the jurisdiction of the Tree Committee that *does not* appear on this agenda. Although the Committee will not take action on items presented during the Public Comment Period, the Chair may direct staff to place an item on a future agenda for discussion.

3. CONSENT

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon at one time. A member of the public may request the Tree Committee to pull an item for discussion. The public may comment on any and all items on the Consent Agenda within the three-minute time limit.

3.a CONSIDERATION OF MINUTES - JANUARY 22, 2024 TREE COMMITTEE MINUTES

5

Recommendation:

To approve the Tree Committee Minutes of January 22, 2024.

4. NEW BUSINESS

4.a ISSUE DECISION ON 163 SERRANO HEIGHTS DRIVE
ADMINISTRATIVE CITATION

On January 22, 2024, the Tree Committee, upon a 5-0 vote (one member absent, one vacant seat), upheld the Administrative Citation and fine issued to John Rourke, property owner of 163 Serrano Heights Drive, for improper pruning of three (3) Coastal Live Oak (*Quercus agrifolia*) trees, in violation of the City's Tree Regulations (SLOMC 12.24.150).

Pursuant to San Luis Obispo Municipal Code Section 1.24.130, the Tree Committee shall formally issue their decision regarding the Administrative Citation in the form of voting to approve a written statement, prepared by Deputy City Attorney Sadie Symens; this action is to approve or modify the statement only, not to re-vote on whether to uphold the citation and fine.

Recommendation:

The Tree Committee will review and approve a written statement, prepared by Deputy City Attorney Sadie Symens, to formally issue their decision made on January 22, 2024, pursuant to San Luis Obispo Municipal Code Section 1.24.130, regarding an Administrative Citation for improper pruning of three (3) Coastal Live Oak (*Quercus agrifolia*) trees located at 163 Serrano Heights Drive.

5. TREE REMOVAL APPEALS

Any person aggrieved by an act or determination of the authorized approving authority exercising the authority herein granted shall have the right to appeal the decision of the authorized approving authority as set forth in Section 12.24.180 of the City of San Luis Obispo Municipal Code. Appeals received by the City Clerk within ten calendar days from the date of determination or act shall cause the director to withhold tree removal permits and any permits for construction or demolition actively relying on the subject tree removal until the appeal is heard and a decision is reached.

5.a 1120 MARSH STREET TREE REMOVAL APPEAL

Recommendation:

Review a Tree Removal Appeal of the City Arborist's decision to allow removal of one (1) Indian Laurel Fig (*Ficus macrocarpa*) tree located at 1120 Marsh Street.

6. COMMENT AND DISCUSSION

6.a ARBORIST REPORT

Receive a brief update from Acting City Arborist Anthony Whipple.

7. ADJOURNMENT

The next Regular Meeting of the Tree Committee meeting is scheduled for March 25, 2024 at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm Street, San Luis Obispo. The Regular Meeting on February 26, 2024 will be cancelled.

LISTENING ASSISTIVE DEVICES are available -- see the Clerk

The City of San Luis Obispo wishes to make all of its public meetings accessible to the public. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office at (805) 781-7114 at least 48 hours before the meeting, if possible. Telecommunications Device for the Deaf (805) 781-7410.

Agenda related writings or documents provided to the Tree Committee are available for public inspection on the City's website:

<https://www.slocity.org/government/mayor-and-city-council/agendas-and-minutes>. Meeting video recordings can be found on the City's website:

<http://opengov.slocity.org/WebLink/Browse.aspx?id=61087&dbid=0&repo=CityClerk>



Tree Committee Minutes

January 22, 2024, 5:30 p.m.

Council Hearing Room, 990 Palm Street, San Luis Obispo

Tree Committee Members Present: Member Alan Bate, Member Henry Bonifas, Member Emily Rosten, Vice Chair Ben Parker, Chair Elizabeth Lucas (*one vacant seat*)

Tree Committee Members Absent: Member Daniel Canella

City Staff Present: Acting City Arborist Anthony Whipple, Public Works Director Matt Horn, Deputy City Attorney Sadie Symens, Deputy City Clerk Megan Wilbanks

1. CALL TO ORDER

A Regular Meeting of the San Luis Obispo Tree Committee was called to order on January 22, 2024 at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm Street, San Luis Obispo, by Chair Lucas.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Public Comment:

None

--End of Public Comment--

3. CONSENT

3.a CONSIDERATION OF MINUTES - OCTOBER 23, 2023 TREE COMMITTEE MINUTES

Motion By Vice Chair Parker

Second By Member Rosten

To approve the Tree Committee Minutes of October 23, 2023.

Ayes (5): Member Bate, Member Bonifas, Member Rosten, Vice Chair Parker, and Chair Lucas (*one vacant seat*)

Absent (1): Member Canella

CARRIED (5 to 0)

4. NEW BUSINESS

4.a 163 SERRANO HEIGHTS DRIVE - APPEAL OF ADMINISTRATIVE FINES DUE TO IMPROPER PRUNING

Deputy City Attorney Sadie Symens provided an overview of the scope of the appeal and the appeal process, pursuant to Municipal Code Chapter 1.24.130.

Public Works Director Matt Horn and City Arborist Anthony Whipple presented the staff report and responded to Committee inquiries.

The Appellant, John Rourke, testified in support of the appeal and responded to questions raised by the Committee.

Chair Lucas opened Public Comment

Public Comment:

None

--End of Public Comment--

Chair Lucas closed Public Comment

Motion By Member Bonifas

Second By Chair Lucas

The Tree Committee reviewed an appeal for improper pruning of three (3) Coastal Live Oak (*Quercus agrifolia*) trees located at 163 Serrano Heights Drive and determined that the appellant violated the City's Tree Regulations, thus upholding the administrative citation and fine.

Per San Luis Obispo Municipal Code 1.24.130, the Tree Committee shall provide a written decision to the Appellant within 30 days of the decision. As such, a subsequent meeting of the Tree Committee will be convened on a date to be determined to review and approve the written decision, which will be prepared by the City Attorney's Office. The draft decision will be published with the agenda for the Special Meeting.

Ayes (5): Member Bate, Member Bonifas, Member Rosten, Vice Chair Parker, and Chair Lucas (*one vacant seat*)

Absent (1): Member Canella

CARRIED (5 to 0)

5. COMMENT AND DISCUSSION

5.a ARBORIST REPORT

Acting City Arborist Anthony Whipple provided an update of upcoming projects and activities in the Tree Division:

- Tentatively scheduled for the February 26, 2024 Tree Committee meeting, is review of an Appeal for a property located at 1120 Marsh Street.
- Staffing in the Tree Division is still in progress.

6. ADJOURNMENT

The meeting was adjourned at 6:35 p.m. The next Regular Meeting of the Tree Committee is scheduled for February 26, 2024 at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm Street, San Luis Obispo.

APPROVED BY TREE COMMITTEE: XX/XX/2024

TREE COMMITTEE RESOLUTION NO. 24-01

**A RESOLUTION OF THE TREE COMMITTEE OF THE CITY OF SAN LUIS OBISPO,
CALIFORNIA, DENYING THE APPEAL OF JOHN ROURKE OF AN
ADMINISTRATIVE CITATION FOR VIOLATION OF SAN LUIS OBISPO
MUNICIPAL CODE SECTION 12.24.150 AND CIVIL PENALTY**

WHEREAS, the Tree Committee of the City of San Luis Obispo (the “Committee”) conducted a public hearing in the Council Hearing Room of San Luis Obispo City Hall on January 22, 2024, at 5:30pm (the “hearing”), on the appeal of John Rourke (the “Appellant”) of an administrative citation issued on or around October 20, 2021, for the illegal pruning of trees, a violation of San Luis Obispo Municipal Code (“SLOMC”) Section 12.24.150, which occurred at Appellants’ property located at 163 Serrano Heights Drive within the city limits of San Luis Obispo (the “subject property”); and

WHEREAS, at the hearing, the Committee heard testimony of Appellant, Director of Public Works Matt Horn, and City Arborist Anthony Whipple and voted 5-0 (Chair Elizabeth Lucas, Vice Chair Ben Parker, Board Member Alan Bate, Board Member Henry Bonifas, and Board Member Emily Rosten voting aye, Board Member Daniel Canella absent, one seat vacant) to uphold the administrative citation and civil penalty issued to Appellant for the violation of SLOMC Section 12.24.150 for illegal pruning of trees; and

WHEREAS, notice of said public hearing was made at the time and in the manner required by law; and

WHEREAS, Section 1.24.100 of the San Luis Obispo Municipal Code establishes a right to appeal an administrative citation; and

WHEREAS, Section 12.24.010 authorizes the Director of the Public Works department to enforce, implement, and carry out the policies and provisions of the City’s Tree Regulations, and

WHEREAS, it was determined by the Department of Public Works that the Tree Committee was the appointed body most appropriate to hear this appeal in accordance with Chapters 1.24 and 12.24 of the Municipal Code; and

WHEREAS, the Committee duly considered all documents and information, including the administrative citation dated October 20, 2021, the City Arborist report, the City’s staff reports and accompanying presentations, oral argument by the City, photographs from the site, the Replacement Cost calculation report, correspondence between the City and the property owner, a report from Greenvale Tree Company dated September 23, 2021, the Appellant’s appeal and subsequent written documentation and oral argument by the Appellant, and all written or other evidence, and evaluation and recommendations by staff presented at such hearings.

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NOW, THEREFORE, BE IT RESOLVED by the Tree Committee of the City of San Luis Obispo as follows:

SECTION 1. Findings. The Tree Committee finds:

1. The above statements are true.
2. The names of all people participating in the hearing and their capacity:
 - a. Appellant: John Rourke
 - b. City staff: Matt Horn, Director of Public Works; Anthony Whipple, Acting City Arborist
 - c. Deputy City Attorney Sadie Symens, legal advisor to the Tree Committee
3. The hearings were recorded with audio and video recording, which is in the custody of the City Clerk.
4. The Appellant was present for the public hearing.
5. Pursuant to Municipal Code Section 1.24.110(E), the Committee received the Administrative Citation and supporting information (documents, exhibits, or materials prepared by city staff) concerning the Appellant's violations of Municipal Code Section 12.24.150 as prima facie evidence of the Appellant's code violations and of the facts stated in such documents.
6. The following submissions were submitted to the record, including, but not limited to photographs, drawings, and documents:
 - a. City staff report, dated January 22, 2024, and accompanying Attachments 1-10;
 - b. Documents from Appellant, received January 22, 2024 and submitted as agenda correspondence, with accompanying photographs
7. The Committee decided to uphold the Administrative Citation issued to Appellant for violations of Municipal Code Section 12.24.150(A).
8. The Committee found the following information, presented by oral and physical evidence, credible in support of its decision to uphold the Administrative Citation and deny the appeal for violations of Municipal Code Section 12.24.150(A) for pruning done out of conformance with the municipal code and the International Society of Arboriculture standards:
 - a. SLOMC 12.24.150(A)(1) states that "No person shall...Trim, prune, or cut any tree unless such work conforms to this chapter and is performed in accordance with all International Society of Arboriculture standards. In no case shall more than one-third of the tree canopy be removed."

- b. SLOMC 12.24.150(A)(3) states that “No person shall... Willfully injure, disfigure or intentionally destroy by any means any tree, except with permits described elsewhere in this chapter.”
- c. SLOMC 12.24.170(A)(5) states that “For damaged trees, in addition to civil penalties, the property owner will be required to obtain the services of an ISA certified arborist to determine the future viability of the tree and, if salvageable, create a maintenance plan to restore the tree.”
- d. On or about August 30, 2021, City staff inspected the property owned by Appellant located at 163 Serrano Heights Drive and observed three oak trees that had been pruned in violation of SLOMC 12.24.150.
- e. On October 20, 2021, in accordance with SLOMC 12.24.170, City staff issued an administrative citation to Appellant imposing a civil penalty for the tree damage.
- f. The notice dated October 20, 2021, included a civil penalty of \$16,040. This calculation included a multiplication factor of four times the value of the tree because it was believed that the damage was related to a development or subdivision (SLOMC 12.24.170(A)(3).)
- g. Upon learning that the damage was not related to a development or subdivision, staff recalculated the fine in accordance with SLOMC 12.24.170(A)(1). Staff issued to Appellant a subsequent Replacement Cost Method worksheet reflecting a corrected fine amount of \$8,020.
- h. Photographs of the trees taken before and after the pruning show significant removal of the tree canopies and limbs.
- i. Greenvale Tree Company observed the subject trees and prepared an Arborist Report dated September 23, 2021. The report noted that “owner pruned four (4) Coast Live Oaks (CLO) for view. Trees are extensively pruned leaving stubs and large pruning wounds,” and that “Very large cuts were made, and stubs were left as trees were topped. Two trees have very little foliage left.” The report included recommendations for canopy restoration of the pruned trees, with tasks to be completed starting immediately in 2021 and through and including 2024 (the “restoration plan.”) The report stated that “Failure to follow these guidelines may reduce the trees’ survivability or complete restoration of the canopy” that was destroyed.
- j. Appellant requested an appeal of the fines on or about November 15, 2021. On November 17, 2021, Appellant submitted a request for public records. The appeal was postponed at Appellant’s request in order for Appellant to review the City’s responses to said records request. That request was substantially completed on or around January 11, 2024, at which time the appeal on the violations was scheduled to move forward.
- k. Appellant admitted at the hearing to personally pruning the three oak trees for which he was cited. Appellant stated he did not consult an arborist before pruning the trees.
- l. Appellant provided no evidence that he consulted the International Society of Arboriculture standards before pruning the trees nor that he pruned the trees in conformance thereof.

- m. Appellant admitted at the hearing that he did not comply with the restoration plan.
 - n. The Administrative Citation, together with the attachments contained in the staff report, admitted as prima facie evidence under Paragraph 5 above, demonstrate that the citing Acting City Arborist personally observed Appellant’s violations.
 - o. Appellant failed to submit any information that the Violations did not occur and failed to submit any credible information that there is a defense to the citation.
9. The due date for payment of the fine (\$8,020) shall be thirty (30) days after the date this decision is mailed.

SECTION 2. Action: Based on the above findings, documentation, and information submitted in support thereof, the Tree Committee does hereby deny the appeal of John Rourke and uphold the citation and civil penalty issued against Appellant for violations of San Luis Obispo Municipal Code Section 12.24.150(A).

SECTION 3. Appeal or Review by Writ. This Resolution is the City of San Luis Obispo’s final administrative decision, under Municipal Code Section 1.24.140(A), on the Administrative Citation. A person contesting this decision may do so in either of two ways. First, pursuant to California Government Code Section 53069.4(b)(1), within 20 days after the service of this Resolution, a person contesting this decision may seek review by filing an appeal to be heard by the Superior Court of the County of San Luis Obispo. Alternatively, a person contesting this decision may file a petition for writ with the Superior Court of the County of San Luis Obispo. The time within which the petition must be filed, and the applicable requirements are governed by the California Code of Civil Procedure. Either the appeal or the petition for writ filed with the court must contain proof of service showing a copy of the appeal or petition for writ was served upon the city clerk. The petitioner must pay the superior court the appropriate court filing fee when the appeal or petition is filed.

Upon motion of Board Member Bonifas seconded by Chair Lucas to uphold the administrative citation for pruning of three oak trees in violation of the San Luis Obispo Municipal Code Section 12.24.150, and on the following roll call vote taken on January 22, 2024:

AYES: Chair Lucas, Vice Chair Parker, Board Member Bate, Board Member Bonifas, and Board Member Rosten

ABSENT: Board Member Canella

The foregoing resolution was adopted this 12th day of February, 2024.

Elizabeth Lucas, Chair Date of Signature

TREE COMMITTEE AGENDA REPORT

SUBJECT: 1120 MARSH STREET TREE REMOVAL APPEAL

FROM: Anthony Whipple, City Arborist
Phone Number: (805) 781-7021
Email: awhipple@slocity.org

1.0 SUMMARY

A Tree Removal Application #14483 was submitted for removal of one (1) Indian Laurel Fig (*Ficus macrocarpa*) tree at the above address under San Luis Obispo Municipal Code (SLOMC) Section [12.24.090\(E\)1](#) of the City's Tree Regulations. Staff approved the tree removal due to tree canopy decline. The decision has since been appealed to the Tree Committee.

2.0 COMMITTEE PURVIEW

The Tree Committee's role is to be the final decision maker in this workflow type and may approve, deny, or approve *with* conditions the tree removal, regarding consistency with the policies and standards set forth in SLOMC [Chapter 12.24](#) (Tree Regulations).

4.0 TREE REGULATIONS

The City's Tree Ordinance (Chapter 12.24) was adopted in 2010, with the last update in 2019, with the purpose of establishing a comprehensive program for installing, maintaining, and preserving trees within the City. This ordinance establishes policies, regulations, and specifications necessary to govern installation, maintenance, removal, and preservation of trees to beautify the city; to purify the air; to provide shade and wind protection; to add environmental and economic value; and to preserve trees with historic or unusual value.

5.0 ATTACHMENTS

- A - 1120 Marsh Tree Inspection Report
- B - 1120 Marsh Proof of Posting
- C - 1120 Marsh Tree Removal Application
- D - 1120 Marsh Tree Appeal



Public Works - Urban Forestry

25 Prado Road, San Luis Obispo, CA 93401-3218
805.781.7220
slocity.org

Tree Removal Inspection Report/ Permit

TO: City of San Luis Obispo Maintenance Operations

FROM: Anthony Whipple, City Arborist/Urban Forest Supervisor

SUBJECT: Removal Application SR#14483

On Date: January 2, 2024, I inspected one Indian laurel fig (*Ficus microcarpa*) tree(s) at 1120 Marsh Street in response to tree removal application SR#14483. The removal of the mentioned application was submitted based on:

San Luis Obispo Municipal Code 12.24.090. (E)1

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

During an inspection of the Indian laurel fig (*Ficus microcarpa*) tree on January 2nd, I observed several concerning signs. On the west side of the tree, facing Santa Rosa St., I found multiple dead branches and dieback affecting approximately 50% of the crown. The dieback appears concentrated in the upper branches. Additionally, I noticed two deadwood cuts, each measuring approximately 2-3 inches in diameter. The cuts are recent, and while Ficus Canker is a possible cause of the dieback, other factors such as drought, pests, or other diseases should also be considered. I have attached photos of the affected areas for reference.

Ficus canker—*Neofusicoccum mangiferae* (= *Nattrassia mangiferae*) and *Botryosphaeria* spp.

Indian laurel fig, or Chinese banyan, *Ficus microcarpa* = *F. retusa*, when stressed, is highly susceptible to Ficus canker. The disease, also called Ficus branch canker, bot canker, or sooty canker, is caused by a complex of fungi.

Identification

Apparently healthy branches are often interspersed with diseased or dead branches. New shoots often sprout on the limb or trunk below dead branches.

The main symptoms are branch dieback, crown thinning, and, if the disease progresses to the trunk, eventual tree death. The entire tree can die within 2 or 3 years after the initial symptoms.



Life cycle

The fungi infect Indian laurel fig through mechanical injury or pruning wounds and cause disease when trees are stressed. Disease generally progresses from leaf fading or yellowing, to premature leaf drop, canopy thinning, and then branch death.

Advanced age (which reduces tree vigor) and unfavorable growing conditions (e.g., the root zone compacted or paved over) make Indian laurel fig highly susceptible to disease. Dying trees also commonly received inadequate irrigation, excessive canopy pruning, or root pruning to repair pavement.

Solutions

Provide proper cultural care to minimize tree stress. Avoid severe pruning of Ficus and conduct needed pruning during dry weather. Prune off cankered or dying limbs at least 6 inches below any cankers. To avoid spreading the pathogens, scrub cutting blades clean and disinfect them between cuts and avoid using chain saws.

I contacted our CalFire pathology expert Kim Corella, and she visually confirmed my assessments and I APPROVE the tree removal(s).

Replanting one 36-inch box tree(s) off Master Tree list within 45 days of removal. Owner or Applicant shall submit a photo taken after tree(s) are planted and mailed to Urban Forest Services 25 Prado RD. San Luis Obispo CA 93401 or emailed to City Arborist awhipple@slocity.org is a condition of this approval.

NOTE: All trees replanted shall be maintained as a condition of their approved tree removal.

Thank you,

Anthony Whipple,
City Arborist/Urban Forest Supervisor
(805) 781-7021 awhipple@slocity.org



Public Works - Urban Forestry

25 Prado Road, San Luis Obispo, CA 93401-3218
805.781.7220
slocity.org

Jan 29, 2024 at 12:40:17 PM
1126 Marsh St
San Luis Obispo CA 93401
United States

PUBLIC NOTICE

Posting Date: 1 / 29 / 24

A tree removal application for this address
has been APPROVED and APPEALED TO

TREE COMMITTEE

B.L.O.M.C. 12.24.180

A. Any person approved for an act or determination of the authorized approving authority exercising the authority herein granted shall have the right to appeal the decision of the authorized approving authority as set forth in this section.

B. Appeals received by the city clerk within ten calendar days from the date of determination or act shall cause the director to withhold tree removal permits and any permits for construction or demolition activity relying on the subject tree removal until the appeal is heard and a decision is reached.

Applicant: The City of San Luis Obispo

Address: 1120 Marsh

Tree(s) Under Appeal: 1 - Ficus Microcarpa

Hearing Date: Feb 12th 2024

Location: 990 Palen @ 5:30^{pm}

For more information, please call Public
Works (805) 781-7220 Trees@slocity.org
or contact Clerk's Office (805) 781-7100
CityClerk@slocity.org

CITY OF
SAN LUIS OBISPO



Public Works Urban Forest Services

25 Prado Road, San Luis Obispo, CA 93401-3218
805.781.7220
Trees@slocity.org

For Office Use Only:
Date Entered: ___/___/___
Letter sent: ___/___/___
SR # _____

TREE REMOVAL APPLICATION RESIDENTIAL, COMMERCIAL, DEVELOPMENT

Follow Non-Construction Tree Removal Criteria and Process here ([SLOMC 12.24.090.E](#))
Follow Construction Tree Removal Criteria and Process here ([SLOMC 12.24.090.F](#))

Owner: City of San Luis Obispo		Applicant: Nick Niles	
Address: 990 Palm st.		Address: 990 Palm st.	
City: San Luis Obispo	Zip: 93401	City: San Luis Obispo	Zip: 93401
Phone: (805)540-0895		Phone: (805)540-0895	
Email: nniles@slocity.org		Email: nniles@slocity.org	
Address of Tree(s): 1120 Marsh st.		Number of trees applying to remove? <u>1</u>	
Tree Species: Indian Laurel Fig			
Reason: Tips of tree are dying and another tree is growing into it. Spacing issue			
Is this removal a City Tree? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN Dog in yard? <input type="checkbox"/> YES <input type="checkbox"/> NO			
Is this property governed by a Homeowners Association (HOA)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, please provide HOA Board Approved Meeting minutes authorizing tree removal(s) with your tree removal application.			

ALL ITEMS BELOW MUST BE INCLUDED TO PROCESS TREE REMOVAL APPLICATION:



- Tree(s) must be banded with ribbon or duct tape
- Site Plan Drawing or Photo of Tree site with Tree ID (Tree #1, Tree #2, etc.)
- Supporting documentation, (repair receipts, etc.)
- Photo Log showing damage or conditions for removal ¹
- Replanting Plan (Consistent with 12.24.090.J) ²

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
FAILURE TO KEEP TREES BANDED MAY RESULT IN A RETURNED APPLICATION.**




¹ Please include a photo log that clearly shows the trees requested for removal. All Tree(s) must be uniquely identified by a number and a ribbon or an identifier wrapped around the trunk in the photo and prior to inspection



² Please include a replanting plan in accordance with Section [12.24.090\(J\)](#) of the City's Municipal Code. A minimum of one new tree shall be planted for each tree authorized to be removed on the same property (on site) or two new trees shall be planted for each tree authorized to be removed when planted on a different property or within the public right-of-way (off site).

Tree Removal Decisions as outlined in Section [12.24.090](#) of the City’s Municipal Code

	SELECT ONE CRITERIA FROM BELOW SUPPORTING TREE REMOVAL APPLICATION	DECISION MAKER	APPEAL BODY
	Imminent Hazard to Life or Property Section 12.24.090(E)(1)(a)	City Arborist	No Appeal
X	Tree Health and Hazard Mitigation Section 12.24.090(E)	City Arborist	Tree Committee
	Convenience Removal (Tree Committee makes recommendation to Community Development Director) 12.24.090(E)(3)	Community Development Director	Planning Commission City Council
	Minor Ministerial Development Permit (removal for residential or accessory construction on an R-1 or R-2 lot) Section 12.24.090(F)(1)	City Arborist	Community Development Director
	Criteria for Discretionary Permits Construction Tree Removal Section 12.24.090(F)(3)	Community Development Director	Planning Commission City Council
	Major Development / Tentative Tract Map/ Conditional Use Permit Section 12.24.090(F)(4)	Planning Commission	City Council

Please include a check for **\$182.37** along with completed application & documentation. Tree Removal applications may be submitted in person at 25 Prado Road at the City’s Corporation Yard in SLO or mailed to:

**City of San Luis Obispo
Public Works- Urban Forest Services
25 Prado Road
San Luis Obispo, CA 93401.**

Pursuant to San Luis Obispo Municipal Code [12.24.180](#), any person aggrieved by an act or determination of the authorized approving authority exercising the authority herein granted shall have the right to appeal the decision of the authorized approving authority.

Appeals must be received by the city clerk within ten calendar days from the date of determination or act shall cause the director to withhold tree removal permits and any permits for construction or demolition activity relying on the subject tree removal until the appeal is heard and a decision is reached.

The fee to appeal to the Tree Committee is **\$140.80**

This tree removal application must be signed by the property owner or an Authorized Agent. I **declare under penalty of perjury that all the facts stated within this tree removal application are true and correct.**

Property Owner Signature: _____ Date: _____

Applicant’s Signature: _____ Date: _____



**CITY OF
SAN LUIS OBISPO**

**Fee must accompany
original signed appeal form**

Received by: [Signature]

Date Received

RECEIVED
JAN 11 2024
SLO CITY CLERK

TREE REMOVAL APPEAL FORM
Public Works Department, Urban Forestry

SECTION 1. APPELLANT INFORMATION

Bert F. [Redacted]

Name

Mailing Address

Phone

Fax

In accordance with the procedures set forth in **Chapter 12.24.180** of the San Luis Obispo Municipal Code, I hereby appeal the decision of the:

City Arborist- Tree Removal Application **12.24.090 (E)(2)** (appealed to Tree Committee)

Appeal: \$140.80

City Arborist- Tree Removal Application **12.24.090 (F)(1)** (appealed to the Community Development Director)

Appeal: \$140.80

Community Development Director- Tree Removal Application **12.24.090 (F)(2)** (appealed to the City Council)

Appeal: \$140.80

Community Development Director or Hearing Officer- Tree Removal Application **12.24.090 (E)(3)** (appealed to the City Council)

Appeal: \$140.80

Planning Commission- Tree Removal Application **12.24.090 (E)(4)** (appealed to the City Council)

Appeal: \$140.80

Tree Removal Appeal Form attachment reference notice shown below in Photo 1

My concern about removing the big Ficus tree just to the south of our 1126 Marsh St. residence is the loss of greenery, the loss of CO2 removal from our atmosphere, and the cooling the tree provides. When it is gone only the ugly, tall, somewhat barren, non-native eucalyptus that is just on the other side of the sidewalk will remain. It is less fire resistant, also messy, and less beautiful than the Ficus. It also has less leaf area, for removing CO2 and providing shade. All its leaves are at the very top of the tall tree. See Photo 4 below.

The Ficus does have some dead branches on the SW side (see photo 5), possibly due to the eucalyptus growing up inside the Ficus in addition to the slow developing disease that the City Arborist mentioned. Seems to me that trimming the Ficus would be a better solution. It would be more fitting with our Tree City USA status and more environmentally appropriate.

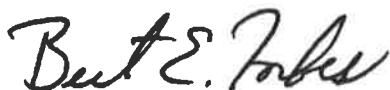
With the current increase in climate change and CO2 we need all the CO2-using trees that we have. Planting a new small one (even a 36" one) will take decades to do as much good as the current Ficus does, even in its diseased state, and may be too late for the climate.

Along that line the soil in this area is really bad—take note of our now-six-year-old street tree. It is puny even in comparison to the other six identical ones planted in front of the other brownstones, and I even gave it extra water for the first few years. The Ficus no doubt has roots that have managed to penetrate the clay and are down to the water level where it gets all the water it needs. A new tree to replace it will have to fight the same battle for decades.

From an engineering standpoint it would be better to wait to remove the Ficus until its CO2 absorbing capability is reduced to not much above the initial capacity of a small new tree. This optimizes the total CO2 absorbed over the next several decades. I don't know the rate of decay due to disease, so I can't plot it numerically, but intuitively the curves won't cross for many years. The City Arborist may be able to do this calculation.

Lastly, on a very personal basis I see this beautiful tree every day from our dining room (Photo 6), from my office and when I go out our front door (Photo 4). Yes, it is messy some of the year, but it is beautiful and soothing to look at. Our small new street tree won't begin to compete for a long time. At age 79 I won't likely live long enough to see a replacement for the Ficus become anywhere as beautiful, shady, and life-giving.

Please do not remove this tree.



Bert Forbes

January 10, 2024



Photo 1—Notice that appeared on 1/2/24 without prior info



Photo 2 from 4th floor roof deck



Photo 3 from 4th floor roof deck



Photo 4 from ground in front of 1126 Marsh (our house)

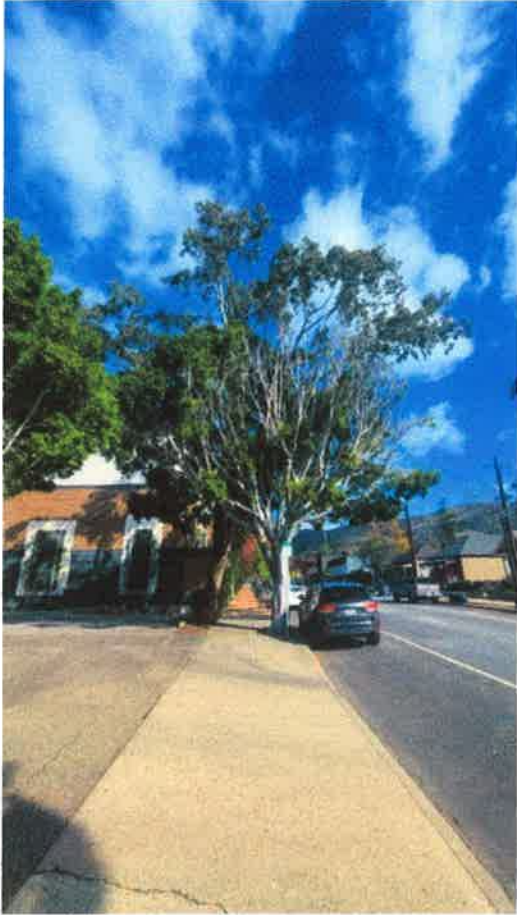


Photo 5-- ground in front of COG building looking NE towards 1126 Marsh



Photo 6--2nd floor balcony off our dining room 1126 Marsh