

## TREE COMMITTEE AGENDA REPORT

**SUBJECT:** REVIEW A TREE REMOVAL APPEAL OF THE CITY ARBORIST'S DECISION TO DENY REMOVAL OF TWO (2) SHAMEL ASH (FRAXINUS UHDEI) TREES LOCATED AT 2125 STORY STREET, IN THE PARKWAY NEAR CORNER OF SANDERCOCK AND STORY

**FILE NUMBER:** APPL-0289-2024

**PROJECT ADDRESS:** 2125 STORY ST

**FROM:** Walter Gault, Urban Forestry  
Program Coordinator / City Arborist  
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**APPELLANT:** Chris Bonin

**REPRESENTATIVE:** Dave Lasserre

### RECOMMENDATION

Review a Tree Removal Appeal of the City Arborist's decision to deny tree removals based on consistency with the City's Tree Regulations and reach a final decision to either uphold the Arborist's decision or approve the removal with a compensatory replanting plan.

### 1.0 APPEAL DESCRIPTION

Chris Bonin (Appellant) of San Luis Coastal Unified School District, has appealed a denial of tree removal at Hawthorne Elementary School. On 4/23/24, a tree removal application for Tree Health and Hazard Mitigation of (2) two *Fraxinus uhdei* (Shamel Ash) trees at 2125 Story Street was received. On 5/14/24 the City Arborist denied the request because it did not conform to circumstances outlined in Municipal Code Section 12.24.090(E)(1)(a-g). Sidewalk repair and pruning were recommended alternatives to alleviate the concerns of the applicant. On 5/22/24, Chris Bonin appealed the decision to deny. This appeal occurred within 10 days from the City Arborist's decision, and it is appealable to the Tree Committee.



**Figure 1: location of (2) trees**

## 2.0 COMMITTEE PURVIEW

The Tree Committee's role is to review the decision and its consistency with the San Luis Obispo Municipal Code (SLOMC) Section 12.24 (Tree Municipal Code Section 12.24.090(E)(a-g)) and provide a final decision to the appellant that either reaffirms the City Arborist's denial or issues an approval for removal with a compensatory replanting plan.

## 3.0 TREE REGULATIONS

The City's Tree Ordinance (Municipal Code Chapter 12.24) was adopted in 2010 and recently updated 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.

Criteria for Appeal of Non-Construction Related Tree Removal Recommendations. SLOMC §12.24.180 subsection B requires review by the Tree Committee for denied tree removal requests that have been appealed related to Tree Health and Hazard Mitigation and make a recommendation based on criteria set forth in SLOMC §12.24.090. Applicable criteria are provided below.

- (E)(1)(a). The tree is an imminent hazard to life or property, and removing it is the only feasible way to eliminate the hazard (see subsection (1)(2) of this section for director approval of immediate hazard abatement without a formal application or noticing; removals pursuant to this subsection (E)(1)(a) and subsection (1)(2) of this section are not appealable).
- (E)(1)(b). The tree is dead or dying or diseased or damaged beyond reclamation.
- (E)(1)(c). The tree's roots are causing severe damage to public or private property, and removing the tree is the only feasible way to eliminate the damage.
- (E)(1)(d). The tree is affected by structural defects and/or deficiencies that will limit lifespan.
- (E)(1)(e). The tree is densely clustered amongst other trees and the requested tree removal promotes good arboricultural practice.
- (E)(1)(f). The tree is obstructing vision, access, or mobility of public traffic (see Section 12.24.030, Definitions; public traffic). Trees requested for removal due to sidewalk infrastructure damage shall have lower preservation priority when the tree species is known to have invasive root structures that increase the likelihood that damage will recur if the tree is not approved for removal and where trees requested for removal are adjacent to sidewalks with a high volume of pedestrian use and/or with large vertical or slope displacements.

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- (E)(1)(g). The requested tree removal is necessary to alleviate a demonstrated and ongoing maintenance burden for the property owner exceeding routine tree maintenance.

**Findings from Letter of Denial:**

1. The proposed tree removal request is inconsistent with the Tree Regulations because the proposed tree removals do not conform to the circumstances outlined in Municipal Code Section 12.24.090(E)(1)(a-g).
  - a. The two trees proposed for removal are not an imminent hazard to life or property, dead or dying, contain structural defects and/or deficiencies that will limit lifespan, densely clustered amongst other trees, obstructing vision, access, or mobility of public traffic, nor demonstrate an ongoing maintenance burden for the property owner exceeding routine tree maintenance.
  - b. The two trees proposed for tree removal have caused damage to the sidewalks and curbs, but it is not severe enough to justify removal. Other measures or strategies such as sidewalk repair and minor root pruning are feasible alternatives that could alleviate the damage rather than removing the trees. Although the trees are growing into overhead power, data and fiber lines, Municipal Code Section 12.24.090(E)(1) does not list this as a circumstance in which a tree may be removed. Pruning is a feasible alternative that could help adjust the interaction of wires with the tree.

**4.0 ACTIONS**

- 4.1 Recommend findings of consistency with the Tree Regulations. An action recommending approval of the appeal based on consistency with the Tree Regulations (SLOMC Section 12.24). An approval of the appeal should include a compensatory replanting plan.
- 4.2 Recommend findings of inconsistency with the Tree Regulations. An action recommending denial of the appeal should include findings that cite the basis for denial and should reference inconsistency with the General Plan, Tree Regulations, or other policy documents.
- 4.3 Recommend action for continuance.

**5.0 ATTACHMENTS**

A - Tree Removal Application for 2125 Story St. (TREE-0200-2024)  
B - Compensatory Replanting Plan 2125 Story St.  
C - Tree Removal Application Denial Letter 2125 Story St.  
D - Tree Removal Appeal Form for 2125 Story (APPL-0289-2024)