

# Public Works

Menu

## (<https://www.albanyca.gov/Department-Works>)

## City Tree Policy

The City of Albany's Tree Policy supports a thriving urban forest by outlining care standards for public trees and offering a free Street Tree Planting Program for residents. Property owners can request a City-planted tree in the public right-of-way at no cost, choose from an approved species list, and commit to basic care while the City handles long-term maintenance. Permits are required for any work on public trees, and removal is allowed only under specific conditions with City approval. See below for details.

Property owner responsibilities for Street Trees are outlined in the [Albany City Code 14-1.4: Trees](https://www.ecode360.com/34857302) (<https://www.ecode360.com/34857302>).

### Definitions

- **City** shall be used to signify the City of Albany, California
- **Diameter at breast height (dbh)** means the average diameter of a tree outside the bark at a point four and one-half feet above the highest-level ground.
- **Dripline** or "dripline area" refers to the area surrounding the tree trunk whose outer perimeter is defined by the unaltered length of the outermost branch tips.

- **Established tree** shall be any tree that has been planted and is living in its location for at least three (3) years.
- **Maintenance** or Maintaining includes all actions affecting or which may affect the growth or health of any tree such as, by way of example and not limitation, the cutting, trimming, pruning, or removal of any tree. Maintenance does not include the trimming, pruning, cutting or removal of tree branches one inch or less in diameter.
- **Mature tree** shall be defined as any tree that is close to its full height and crown size, these dimensions being determined by species and site factors. These are fully established trees around the middle half of their usual life-expectancy; generally retaining good vigor.
- **Park trees** are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the City, or to which the public has free access as a park.
- **Pollarding** is specialty pruning in which a tree with a large-maturing form is kept relatively short. Starting on a young tree, internodal cuts are made at a chosen height, resulting in the development of callous knobs at the cut height. Pollarding requires regular (usually annual) removal of the sprouts arising from the cuts. The practice of pollarding is not considered a best management practice and should be avoided in most cases.
- **Private trees** are trees wholly located on privately owned property.
- **Pruning** involves removing branches (or occasionally roots) from a tree using approved practices to achieve a specified objective. **Topping and attempted pollarding of mature trees are not proper pruning methods and are not acceptable pruning practices.**
- **Publicly owned trees** are any tree planted within the public right-of-way, or on any City owned property regardless of who planted the tree.
- **Public Right-of-Way (PROW) or Right-of-Way (ROW)** means land, which is reserved for use by the city as a public roadway. This includes not only the surface of the roadway and the earth beneath the roadway, but also all facilities and natural features located across, along, beneath, in, on, over, under, upon and within the roadway, this includes pedestrian sidewalks. When referring to Public Right-of-Way it is generally meant as that portion of the street which begins at the curb and ends at the property line.
- **Root protection zone (RPZ)** refers to the area around and including a tree where the majority of feeder and support roots are located. This is usually the ground area beneath the dripline, or the circumference of the tree canopy. This area shall be protected during any construction activities.

- **Street tree** is any tree in the public right-of-way generally located in the parking strip between the curb and the sidewalk. These are publicly owned trees, but maintenance responsibility belongs to the adjacent property owner. (Municipal Code 14-1.4, Ord. #98-03, §1).
- **Topping (also known as heading or stubbing)** is excessive reduction of tree size by cutting live branches and leaders to stubs, without regard to long-term tree health or structural integrity. In most cases **topping is not an acceptable practice**.
- **Tree** means any woody perennial plant with a single trunk or multiple trunks of a minimum three-inch dbh, which typically develops to a mature size of over seven inches in diameter (DBH) and ten or more feet in height.
- **Tree protection zone (TPZ)** shall include all streets, parks, and other public places such as grounds of public buildings, schools, libraries, etc.
- **Utility** or utilities means any person who owns, leases, operates or licenses a facility in order to provide gas, water, electricity, sewer, telecommunications, cable television or other customer services regardless of whether such a person is deemed a public utility by the California Public Utilities Commission (CPUC).
- **Young tree** means any tree that has been planted within the previous three (3) years. Young trees may need additional care in the way of watering and pruning the tree for proper growth patterns.

## **Fees, Violations and Penalties, Fine schedule**

### **Fees**

Current tree related fees can be found under Departments > Finance > Master-fee-schedule > Public Works on the City website: [Master Fee Schedule](https://www.albanyca.gov/Departments/Finance/Master-Fee-Schedule) (<https://www.albanyca.gov/Departments/Finance/Master-Fee-Schedule>).

### **Violations and penalties**

- It is unlawful to deface, mar, or destroy in any manner any public property, this includes street trees as defined above. (Municipal Code 14-1.2, Ord. #98-03, §1)
- It is unlawful to allow any tree, shrub, hedge, or other landscaping to obstruct the use of streets or sidewalks for travel by the public, or to create a hazardous situation. (Municipal Code 14-1.3, Ord. #98-03, §1)

- The maintenance of any tree located in the public right-of-way between the private property line and the edge of the paved street shall be the responsibility of the adjacent property owner on whose frontage the tree is located irrespective of who planted said tree. It may be considered a public nuisance for such property owners to fail to maintain, to injure, to improperly remove or to conduct unauthorized planting of trees in the public right-of-way. The adjacent property owner shall bear all costs of such maintenance and shall restore the public right-of-way if the public right-of-way is disturbed in the course of such maintenance.
- The Urban Forester shall have the authority to monitor, inspect, maintain, remove, plant, or repair any tree located in the public right-of-way, if necessary, to further the goals of this adopted tree policy and/or to protect the public health, safety or welfare.

## **Fine schedule**

Illegal destruction or removal of street trees may be fined as noted or per Master Fee Schedule (<https://www.albanyca.gov/Departments/Finance/Master-Fee-Schedule>), by one or a combination of the following:

- **Violation of Albany Municipal Code**
  1. 14-1.2 Damage to public property
  2. 14-1.3 Obstruction of streets and sidewalks
- **Violation of Planning & Zoning Code requirements:** Nuisance abatement (weeds/vines/dead trees) or Building & Housing Code violations (development tree planting requirement), not otherwise specified by ordinance or set forth herein may be fined.

## **Maintenance of Established Trees**

- After 3 years, or as such time determined by the Urban Forester, the property owner shall assume tree maintenance responsibility.

- Once a property owner is notified, tree maintenance shall be the responsibility of the abutting property owner (as per Municipal Code 14-1.4).
- Tree maintenance includes but is not limited to: root and or branch pruning, pest control, removal of fallen branches and leaves.
- Property owners are required to maintain trees in a safe and non-dangerous condition (Municipal Code 14-1.4)
- Pruning of any established tree within the public right-of-way requires approval from the Urban Forester and may require an encroachment permit from Public Works.
- Pruning is required when tree branches or limbs are: (Municipal Code 14-1.3)
  - dead, diseased or dying;
  - cracked or broken;
  - less than 8 feet over sidewalks;
  - less than 12 over the street;
  - less than 6 feet from street lights;
  - less than 3 feet from street signs;
  - obstructing visibility of stop signs or traffic signals;
  - less than 5 feet from fire hydrants;
  - less than 5 feet from any emergency exits or fire escapes;
  - or any other situation deemed necessary by the Urban Forester.
- Stump sprouts (aka suckers) should be removed completely rather than partially cut back.
- Branches or limbs should be removed to the point just outside of the tree branch collar.
- Topping, heading, or stubbing branches and limbs is not allowed and may lead to a fine for destruction of public property (Municipal Code 14-1.2).
- Any pruning or maintenance work done on any Publicly Owned Tree requires a pruning/maintenance plan to be approved by the Urban Forester.
- All pruning or other maintenance work on any Publicly Owned Tree shall be done in accordance with the International Society of Arboriculture (ISA) Pruning Guidelines and ANSI A300 and Z133 Standards for Tree Care Operations.

- Mature trees on City owned property such as parks, center medians, and other City property, as well as trees in commercial districts, will be maintained by the City.
- Natural and organic methods are to be used for any maintenance regarding pest management or fertilization per the City's IPM (Integrated Pest Management) Ordinance (Ord. 08-01). Chemical pesticides shall be avoided and used only as a last resort. IPM is a process for managing, preventing and suppressing pests with minimal impact on human health and the environment.

## **Maintenance of Young Trees**

- The City will plant and maintain young tree during its establishment period, typically the first 3 years.
- Maintenance includes pruning the tree to develop a proper growth form including proper clearances from pedestrian and vehicular traffic.
- City provided tree maintenance will also include the replacement of any tree that does not survive during this period due to unforeseen causes. Tree death due to lack of water or excessive water will be the responsibility of the property owner who shall be required to have a replacement tree installed.

## **Protection of Trees**

- In accordance with the California Government Code, Section 53067 (<https://codes.findlaw.com/ca/government-code/gov-sect-53067.html>), no person shall top, head back, stub or pollard any tree located within the public right-of-way.
- All pruning or other maintenance work on any Publicly Owned Tree shall be done in accordance with the International Society of Arboriculture (ISA) Pruning Guidelines ([https://www.treesaregood.org/Portals/0/TreesAreGood\\_Pruning%20Mature%20Trees\\_0721\\_1.pdf](https://www.treesaregood.org/Portals/0/TreesAreGood_Pruning%20Mature%20Trees_0721_1.pdf)) and ANSI A300 and Z133 Standards for Tree Care Operations.

- No person shall attach or keep attached to any tree located within the public right-of-way any rope, wire, nails, tacks, staples, advertising posters, or any other material or item.
- No person shall cause or allow any poison or other substance harmful to trees to lie, leak, pour, flow or drip upon or into the soil within the dripline of any tree located within the public right-of-way.
- No person shall set fire to or permit any fire to burn when such fire or heat therefrom will injure or damage any tree located within the public right-of-way.
- No person shall operate any device or equipment, such as mechanical weeding devices, in such a manner as to injure or damage any tree located within the public right-of-way.
- If any construction, repair work or other similar activity is proposed in an area adjacent to or in the public right-of-way, the property owner shall take all necessary measures prior to and during the work to protect any tree located in the public right-of-way or other tree protection zone. The costs of any such protection is the sole responsibility of the property owner and the person or entity performing the work.

#### Within each Tree Protection Zone:

- All trees within 30 feet of any excavation or construction of any building, structure, or street work shall be guarded through the duration of the project with a substantial fence, frame, or box not less than 4 feet high and 8 feet square, or at a distance in feet from the tree equal to the diameter of the trunk in inches at 4.5 feet from the ground, whichever is greater. All building materials, chemicals, dirt, wash, or other debris shall be kept outside the barrier at all times.
- No person shall excavate, any ditches, tunnels, trenches, or lay any debris within a radius of 10 feet from any tree without first obtaining permission from the Urban Forester.
- No person shall intentionally damage, cut, carve, transplant, any tree; attach any rope, wire, nails, advertising posters, or other contrivance to any tree; allow gaseous, liquid, chemical, or solid substance that is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree without first obtaining a permission from the Urban Forester.

#### **Pruning requirements (Municipal Code 14.1.4)**

- Street trees adjacent to privately owned properties in Albany are maintained by the fronting property owners, who through their stewardship are doing their part to keep this critical aspect of the City's green infrastructure maintained. There are also trees that are maintained by the City of Albany. These trees are in parks, playgrounds, street medians and other City owned property.
- Trees, shrubs, hedges and other landscaping shall be kept in a safe and non-dangerous condition for users of the public streets and sidewalks.
- Lack of maintenance, or improper maintenance can cause tree limb failures that not only deprive the City of the benefits provided by trees (storm water filtration, decreased air pollution and greenhouse gases, energy savings, increased property values, wildlife habitat, etc.), but that also can result in property damage and risks to public safety.
- If any property owner fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a non-dangerous condition, and any person suffers damage or injury to person or property, the property owner shall be liable for damages or injuries caused by the failure of the owner to maintain these areas. (Municipal Code 14-1.4, Ord. #98-03, §1)

## **Required Tree Planting**

Street tree planting, planting a tree in the public right-of-way, is required under certain circumstances:

- Construction of a new building or dwelling unit, or significant addition to an existing building
- Addition of a garage
- Addition of a curb cut
- As replacement for any tree that has been removed. If a replacement tree is not applied for within one year, the City may choose a species and plant a tree at the given location.

New construction, additions, and remodeling require tree planting:

- An application is to be submitted to the Urban Forester who will determine if any trees can be planted at the location.

- If a tree is required as determined by the Urban Forester, the property owner will be responsible to have the tree planted by a qualified contractor or pay the Street Tree Planting Fee to the City of Albany Finance department to have the tree installed by the City's contractor. If concrete needs to be removed to accommodate the tree planting, there will be an additional fee that must be paid.
- In situations where a tree cannot be planted or replanted, as determined by the Urban Forester, the current Street Tree Planting Fee for one tree shall be paid to the City of Albany Tree Planting Fund to support tree planting in an appropriate location within the City.
- If an existing tree satisfies this requirement, the tree shall be deemed as the required tree and in most cases will require a Tree Protection plan outlining steps to be taken to ensure that the tree, including the tree root zone, will not be damaged during any construction activities.
- All required trees shall be maintained in a safe and healthy state by the property owner or a qualified agent.
- Any required tree that dies or is removed at any time shall be replaced within 12 months following its removal with a new tree at the property owner's expense.

## **Sidewalk Repair**

- The property owner is responsible for arranging the sidewalk repair by a qualified contractor. That contractor, as directed by permit requirements, will contact the Urban Forester before the concrete is removed.
- The Urban Forester will then inspect the area and will prescribe any root or crown pruning required for sidewalk repair. During the tree root inspection, the Urban Forester will prescribe sidewalk repair with respect to the tree and roots.
- The cost of sidewalk repair, including root pruning will be borne by the property owner.
- If the tree is to be removed as directed by the Urban Forester, the city bears the cost of removal and replacement of the tree.
- It is recommended that all sidewalk repair documentation be kept in the property owner's records.

- When considering an application to remove a Street Tree due to sidewalk repair, realignment of the sidewalk within the city right-of-way or use of alternative sidewalk surfaces as allowed by City ordinance must be considered before approving the removal permit application.
- Where realignment of the sidewalk, or an alternative sidewalk surface is practical and will save the tree (as determined by the Urban Forester and the Parks, Recreation, and Open Space Commission), the Street Tree Removal Permit Application may be denied, and the plans for sidewalk repair will need to be reviewed by the Urban Forester to ensure preservation of the City Tree.

## **Street Tree Planting Guidelines**

- The City of Albany will plant and establish trees in the public right-of-way after receiving a signed request from the fronting property owner. The owner shall choose a tree species from the Accepted Street Tree List and submit a Street Tree Planting Application to the Urban Forester.
- The application will be reviewed by the Urban Forester who will determine whether the chosen species and planting location are appropriate. Any necessary adjustments will be discussed with the property owner.
- Once the application, including the location and species of the new tree, is approved, the property owner may then have the approved tree planted in the appropriate location, or they may request to have the City plant the tree.
- New trees should be planted from a minimum 15-gallon sized nursery container.
- Trees should be planted with mature shape and size in mind, i.e., tall growing trees should not be planted beneath high voltage power lines; trees that grow wide or shrubby should not be planted where the sidewalk is narrow, etc.
- Raised borders around a tree basin may cause a tripping hazard and could pose liability for the property owner.
- Tree basins should not be covered with materials such as plastic, bricks, stones, and cement. These materials do not allow for the exchange of vital gases and moisture, and they limit the biological activity in soil which keeps trees healthy. They can also retain heat in the root zone causing drying of the soil which will stress the tree, especially during times of high heat and drought.

- In areas where there is a lot of pedestrian traffic, especially where sidewalks are narrow, permeable pavers may be placed in the tree basin. These should not be attached by cement and should allow room for the tree trunk to grow and expand over time.
- Newly planted trees should be supported with at least one or two sturdy tree stakes with loosely placed straps. In areas more prone to tree damage, 3 stakes placed 18" from each other and supported by 18" cross pieces attached to the stakes, with three rubber or other non-abrasive straps should be installed. The straps should be placed fairly low on the trunk and loose enough to allow the tree to sway which will help strengthen the trunk.
- The City may also plant trees at its own discretion on any City owned, or public property where such tree planting is deemed beneficial to the community.

## **Tree Location**

All proposed tree planting locations within the public right-of-way must be approved by the City's Urban Forester.

Consider the mature size of the tree and plant to avoid conflicts with existing infrastructure. PG&E's Vegetation Management Services can help identify any potential powerline conflicts and suggest proper species for planting beneath high voltage conductors. Before planning your planting location, contact Underground Services Alert (USA) at 800-227-2600, or simply dial 811.

- Gas, water and sewer lines should be located by contacting 811, and trees should not be planted within 3 feet of gas or water lines and 5 feet of sewer lines (measured center to center).
- Trees should not be planted within 5 feet of street access to fire hydrants, fire escapes and emergency exits.
- Trees should be properly spaced from other trees considering the size of the tree crowns at maturity.
- Trees within 25 feet of a traffic signal or stop sign should only be planted if, at any stage in a tree's growth, it will not obstruct views of the intersection or pedestrian crossings.
- Trees should not be planted within bus zones or blue zones.

- Parking and other street signs should have at least 3 feet of clearance from the tree, preferably with the sign before the tree, towards oncoming traffic.

## **Watering**

- Tree watering will be the responsibility of the property owner.
- Trees should be watered deeply and slowly, and best done in the early morning or late evening.
- Water shall be applied to the root zone, trying to avoid watering the trunk of the tree. Water the soil, not the tree.
- Give new trees approximately 15 gallons of water once every week or every other week for the first year, once every two to four weeks for the second year, and once a month for the third year. Know your tree species and its watering needs.
- Once established, trees should be deep watered during times of extended drought or heat.
- Allow the soil to dry a few inches below the surface between watering.
- Frequent light watering, such as lawns receive, can be detrimental to a tree, creating conditions for fungus and other problems in the root zone.

# Contact Us

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## Location

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View Map ([https://maps.google.com/?](https://maps.google.com/?q=%3Cstrong%3EPublic%20Works%20Department%3C/strong%3E%20540%20Cleveland%20Ave%20%20Albany,%20CA%2094710)

[q=%3Cstrong%3EPublic%20Works%20Department%3C/strong%3E%20540%20Cleveland%20Ave%20%20Albany,%20CA%2094710](https://maps.google.com/?q=%3Cstrong%3EPublic%20Works%20Department%3C/strong%3E%20540%20Cleveland%20Ave%20%20Albany,%20CA%2094710)).