



STAFF REPORT

AGENDA NO: 10a

MEETING DATE: September 2, 2025

To: Honorable Mayor and City Council

Date: September 2, 2025

From: Richard Holtz, Parks Superintendent/City Arborist – (650) 650-558-7333
Rachel Norwitt, Code Enforcement Officer – (650) 558-7208

Subject: Introduction and First Reading of an Ordinance Adding Section 11.06.055, “Private Trees and Privately-Owned Vegetation (Public Nuisance)”, to Chapter 11.06 of Title 11 of the Burlingame Municipal Code Regarding the Maintenance of Private Trees and Vegetation on Private Property; CEQA Determination: Exempt pursuant to State CEQA Guidelines Section 15378 and 15601(b)(3)

RECOMMENDATION

Staff recommends that the City Council introduce the first reading of a proposed Ordinance adding Section 11.06.055, “Private Trees and Privately-Owned Vegetation (Public Nuisance)”, to Chapter 11.06 of Title 11 of the Burlingame Municipal Code regarding the maintenance of private trees and vegetation on private property. Staff recommends the following procedure:

Recommended Procedure and Order of Operations:

- A. Receive the staff report and ask any questions of staff.
- B. Discuss the Ordinance and by motion determine whether to bring it back for a second reading and adoption.

BACKGROUND AND DISCUSSION

The City Council undertook a comprehensive update of the City’s Tree Regulations (Title 11 of the Burlingame Municipal Code) in 2024 (Ordinance No. 2037). When presenting the updated regulations, staff advised that further refinements may be brought forward to reflect real-world issues encountered in the implementation of the new regulations.

There are instances when trees or vegetation, such as dead and dying trees, falling limbs, or overgrown vegetation on private property, may present dangerous conditions. Those dangerous conditions can be hazards to persons or property located either on the private property or on the adjoining public right-of-way.

This proposed Ordinance adds a new Section 11.060.055, “Private trees and privately-owned vegetation (public nuisance)” to Chapter 11.06 of the Burlingame Municipal Code. If adopted, the Ordinance authorizes the City to impose maintenance obligations on private property owners where

private trees or vegetation on private property create safety concerns or can otherwise create substandard conditions on public property. While in many instances such enforcement is unnecessary, there are occasions where private trees or vegetation encroach onto public property or otherwise create substandard conditions on public property or in the public right-of-way that may adversely impact public health or safety. If adopted, the proposed Ordinance would deem certain conditions of private trees and vegetation a public nuisance where the tree or vegetation creates a public safety hazard. A summary of conditions the which could trigger City enforcement follows:

- A dead, diseased, infested, or dying tree or vegetation;
- A tree or vegetation that damages, destroys, or otherwise interferes with sidewalks, curbs, street improvements, or other public service improvements;
- Branches or foliage which interfere with visibility or free use of any street or sidewalk;
- Tall shrubs and plants in parkway strips, for which private property owners are responsible;
- Vines or climbing plants growing from private property over any public property;
- Any private trees or vegetation declared a public nuisance by a court; or
- Any other condition that may be deemed hazardous or a nuisance by the Director of Parks and Recreation or their designee.

The proposed Ordinance allows the City to inspect private trees and vegetation to determine whether the above-listed nuisance conditions exist. Penalties for violation of the proposed Ordinance are consistent with penalties for all other violations of the City's municipal code and include escalating fines for each day the violation exists and abatement following a notice to the property owner and an opportunity to remediate the substandard condition.

FISCAL IMPACT

There is minimal expected fiscal impact, as the City's determination to enforce the provisions of the proposed ordinance would be evaluated on a case by case basis.

Exhibit:

- Proposed Ordinance