

**You do NOT have the right to “top” a tree to preserve your view.**

There is no clear law or precedent regarding trees that obstruct views. In some instances, courts have held that a view IS material to the value of property, and that allowing a tree to grow so tall as to obstruct views diminishes adjacent property values. However most judges have held that a view is not a material factor in determining property value. Your own attorney is your best source of advise in this area. Preservation of views is an area where working with your neighbor is obviously the best way to go.

**Having trouble talking to your neighbor?**

If emotions seem to running high, if your informal efforts to find a solution are going nowhere, if cultural or language differences are hampering communication or if you would simply like to work with your neighbor in a more structured environment than over a shared fence, there is a superb alternative available to you. **Peninsula Conflict Resolution Center offers FREE mediation** and other services to all San Bruno residents. Call them at 513-0330. They will contact your neighbor, find a mutually convenient time for you to meet at a neutral location and will help you work out an acceptable course of action. They do not provide a solution; rather they help you and your neighbor

reach your own agreement, one that fits your unique needs and circumstances. Mediation is remarkably easy and painless, and more often than not, it works.

**Other resources are available, too.**

If you need to do research, the San Bruno Public Library is a great place to start. If you are interested in the horticultural side of the problem, there are numerous books available on how different types of trees grow and how to manage a tree so that it (and your relationship with your neighbor) remains healthy. For more information regarding legal issues ask the Library staff for the reference book **Neighbor Law**, by Cora Jordan (Nolo Press). It's all about fences, trees boundaries and noise, and it's fun reading, too!

The Parks Division of the San Bruno Parks and Recreation Department also has general information about trees and tree health. They can help you to identify “City-owned Trees,” “Street Trees” and “Heritage Trees.” For further information, you and your neighbor may want to share in the cost of a consultation with a licensed arborist. These tree experts can often tailor a solution unique to your needs, your trees and your microclimate and provide you with the resources to get things done as needed. If you don't know an arborist. perhaps your favorite nursery could provide you with a recommendation.

# Tree Related Neighborhood Disputes



**City of San Bruno**

**Community Development  
Department**

567 El Camino Real  
San Bruno, CA 94066  
Phone (650) 616-7074

[www.sanbruno.ca.gov](http://www.sanbruno.ca.gov)

REVISED June 2014

## *My neighbor has these trees ...*

### **An introduction to tree law and neighborhood disputes**

San Bruno is a community that prides itself in the urban forestry plan it has instituted and maintains. Trees play an important role in the environmental and aesthetic quality of the community. They are good to have and plant. They nourish our air and our spirits, block and lift the wind, provide living spaces for birds and other creatures that enrich our lives, increase property values, stabilize hillsides and help reduce air pollution.

But sometimes trees can cause problems, too. They can uproot concrete walkways, driveways and even foundations, cast shade in the wrong place, harbor animals that are not so desirable, block scenic views, and when they are old and/or poorly maintained, drop branches or even fall on structures or people.

If you are having problems with a tree, and that tree belongs to your neighbor, you have certain rights. You also have certain responsibilities. This brochure may help you develop a course of action for dealing with the negatives of trees, while emphasizing the positive.

*Unless the tree is creating a PUBLIC nuisance, the City has no authority to intervene on tree issues between neighbors.*

Unless the tree is on City property or is a designated a "Street Tree" for which the City has responsibility, the City cannot directly assist you in resolving a problem caused by a neighbor's tree. Occasionally, the tree or trees in question may actually be creating a public nuisance by the law (endangering a considerable number of persons), but these occasions are rare. Chapter 8.24 of the San Bruno Municipal Code addresses the responsibilities of the City and you as the resident, regarding the ownership, care and maintenance of "Street Trees." Chapter 8.25 of the San Bruno Municipal Code similarly outlines the rights and responsibilities regarding "Heritage Trees."

*You do have the right to cut every part of the tree, even roots, provided it is not classified as a "Street Tree" or a "Heritage Tree," on your side of the property line, BUT...*

You must FIRST advise your neighbor in writing of your intent to cut portions of the tree that are on your property. Realize that you are responsible for the cost of the work done; your neighbor is not required to pay for any of the work.

A benefit of putting your notice in writing is that your neighbor will realize that you regard the tree as a serious problem. With some luck and goodwill, the written notice

may trigger serious negotiations between you and your neighbor as to how best to deal with the tree and the problems it is causing.

We strongly recommend that you maintain good relations with your neighbor during discussions and negotiations regarding the plan of action for the tree. Adversarial relationships tend to work against finding a workable solution. Further, it can lead to long-term bad feelings and all too often prohibit the two parties from finding a mutually agreeable solution. The goal is for you and your neighbor to find a solution that allows both of you to enjoy the benefits that the tree provides.

### *What happens if you and your neighbor cannot agree on a solution?*

If you decide to go ahead and cut the tree on your property, it is your responsibility to ensure that you do NOT permanently damage or kill the tree. If you do, you may be required to reimburse your neighbor for the value of the tree. Trees DO have a monetary value as the law considers them to be an improvement to property, just like a building. In the case of large, old, rare or historic trees, many of which are protected by the "Heritage Tree Ordinance," the value can reach into thousands of dollars.