

**Policy Options for Tree Retention**  
**DRAFT**  
**Prepared for the Tree Ordinances Steering Committee**



**COUNTY OF SAN MATEO**  
PLANNING AND BUILDING

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## Introduction

This DRAFT report is intended to facilitate the Steering Committee's consideration of policy options for regulating development and structure design in order to protect trees. The report summarizes the County's current policies that address tree retention on sites proposed for development in San Mateo County unincorporated lands. It also reports on the policies used by other jurisdictions, from neighboring cities and counties, to regulate tree protection as part of development. Finally it lays out policy options for the Committee to consider and discuss, including a brief discussion of the trade-offs for each option. In a separate report, staff will evaluate the policy options for establishing which trees merit protection, such as heritage or significant trees, based on size, species, or other characteristics that reflect community values.

The General Plan policies call for, in part "conserving, enhancing and protecting vegetative...resources through appropriate regulation of development..." (San Mateo County Planning Department, 2013). County residents have requested better regulation of the construction of new residential and commercial developments, due to the recent increase in tree removal permits for significant and heritage trees. Since 1999, 3,227 significant trees and 81 heritage trees have been removed within San Mateo County's jurisdiction, which means we have been losing an average of nearly 200 large trees each year. If each tree had a canopy diameter of 40-feet, at 1,300 square feet of area per tree, that equates to 6 acres of canopy loss per year, or about 100 acres since 1999.

It is important to note that existing, younger trees continue to grow larger and replacement trees are planted, adding to the County's tree canopy, and the net loss or gain is very hard to quantify. However, large tree removal raises concerns because replacement trees are not always required, and they are much smaller and sometimes improperly cared for, resulting in a temporary loss of the ecological and aesthetic value that the original tree provided. It can take well over a decade for replacement trees to match the benefits that a large native or naturalized tree can provide (Dockter, 2001). This report explores policy options regarding the protection of trees to be retained when sites are developed, including potentially requiring homeowners and developers to redesign their projects.

There is a tremendous benefit to humans and the environment derived from the presence of healthy trees and canopy cover. Tree canopy has the ability to reduce energy costs by lowering the amount of electricity or natural gas needed for heating and air conditioning inside homes and commercial buildings. Atmospheric carbon dioxide reductions and improvements to air quality are important benefits that combat climate change and improve human health. Tree canopy also reduces stormwater runoff and erosion through interception of precipitation and increased watershed friction, while tree roots and leaf litter contribute to soil retention and development and water filtration. Trees provide critical habitat for wildlife, including migratory birds, especially in older trees with large complex branching and canopy. Many trees also provide food resources, such as the native coast live oak and valley oak that produce acorns,

and the other flowering trees that produce fruits and nectars. Trees can increase property values; a single large tree can be worth thousands of dollars if it's in good health.

San Mateo County has an urbanized area of approximately 106 square miles, including residential, commercial, industrial, institutional, transportation, and open space land uses. That land area has 31.7% tree canopy cover, with a calculated annual benefit of \$617,000,000 (Center for Urban Forest Research, 2007). That dollar figure doesn't include animal habitat or food production, nor does it include the psychological and social benefits that have been proven to be significant. The Center for Urban Forest Research estimates that a 3% increase in canopy cover in San Mateo County urbanized areas would result in an additional \$51,000,000 in annual economic benefit. If that additional canopy cover is composed of native, drought-tolerant species there will be even greater reward in the long run because those trees may have a better chance of surviving changing climate conditions and limited water supply.

The County, working with the steering committee hopes to reexamine the current values underlying the existing ordinances to determine if they are still valid, and potentially redefine conditions in which valuable trees are protected from development. The policies should be consistent with significant and heritage tree policies identifying which trees warrant such protection. The policies should clearly define the extent of control over project redesign, and the conditions that allow tree removal.

## Current Policies in San Mateo County

### Summary

Currently, the County utilizes a mix of its heritage and significant tree ordinances and zoning ordinances, including Resource Management, Design Review and Local Coastal Program districts to accomplish tree protection objectives. This combination of policies has taken us a long way towards effective environmental protection, especially compared to the time before they were enacted, but there is a lot of room for improvement. The current policies will be described in detail in this section, followed by discussion of policies from neighboring local governments. This will set up the policy options discussion at the end of the report. The County would like to have clear and enforceable policies to facilitate tree protection.

### Protected Trees

The County's significant tree ordinance defines significant trees solely by size. All trees regardless of species that are  $\geq 12$  inches in diameter are significant trees, except in the RH/DR districts where trees  $\geq 6$  inches in diameter are significant. The heritage tree ordinance defines heritage trees according to species, size, and location. There are currently 17 native species that qualify for heritage status in San Mateo County. These two ordinances include a series of findings that must be made to allow tree removal, and they refer to the County's design review district overlay zone, which includes policies regarding tree protection, including policies empowering the County to require project redesign to protect trees in certain circumstances.

## Policies Requiring Project Redesign

Significant Tree Ordinance. The County's Significant Tree ordinance includes several criteria for approving tree removal, however, few of them empower staff to require project redesign. Moreover, if one of the required findings for removal can be made, e.g., the trees will be replaced with new trees, the staff can approve removal. The three Significant Tree ordinance required findings that can be used to require project redesign include:

- “If a tree proposed for removal is too close to existing or proposed structure(s) that are consistent with local coastal program policy 8.9(a) (which states that developments must be located and designed to minimize tree removal), then the permit may be denied, if staff determines that insufficient efforts at minimizing tree removal were made;
- “...meets the standards for tree removal of Chapter 28.1 (Design Review District) of the San Mateo County zoning regulations”. The design review policies are discussed extensively below, but suffice it to say here that there are many different design review policies that vary slightly among different districts, but generally have similar policies that could be used to require tree retention through project redesign; or
- “...interferes with utility services consistent with local coastal program policy 8.9(a), which again requires minimizing tree removal. Approval could be granted if it were found the applicant exhausted reasonable alternatives to tree removal.

Outside the Coastal Zone and Design Review districts, the ordinance allows for permit approval if the tree is interfering with reasonable economic enjoyment of the property, or if environmental degradation from removal of the tree will be less than the public value gained through use of the property.

Heritage Trees. The County's ordinance regulating the removal of heritage trees establishes a similar set of criteria for permit approval, but does not say that just one criteria is sufficient for approving removal. With regard to tree retention and project redesign, the relevant heritage tree ordinance criteria include:

- “Proximity to existing or proposed structures, or being too close to utility services;
- The necessity of the [removal] to construct improvements or otherwise allow economic or other enjoyment of the property; ...
- The topography of the land and effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow of waters.”

The heritage tree ordinance lacks any reference to design review or coastal program policies, or the design policies that apply in the Resource Management (RM) zones, but those policies apply in the design review districts, RM zones and the Coastal Zone regardless. Heritage trees are extended extra protection from construction, as detailed in Section 11,054 when any proposed development encroaches into the dripline area of any heritage tree the Community Development Director may require special irrigation and aeration of roots before approving the

associated building permits. Ground surface within the dripline shall not be cut, filled, compacted, or paved without prior permission.”

Zoning Ordinance. The County’s zoning ordinance addresses tree protection in several policy sections (see Appendix), including Design Review (DR), Resource Management (RM), and Planned Agricultural District (PAD). Each of these zoning districts contains language intended to provide basic protection for all trees that satisfy certain criteria, in addition to significant and heritage trees. The County’s Design Review district (DR) requires site planning and structure placement to adhere to Section 6565.20(C), which specifies that heritage and significant trees are to be retained, with special attention to healthy, native species. The removal of vegetation should be minimized to the extent necessary for construction of structures. In the DR zones of Emerald Lake Hills, Palomar Park, Oak Knoll Manor, and Devonshire, all trees with diameter 6 inches or more are granted protection, while other areas grant protection to all trees with diameter 12 inches or more, at 4.5 feet above natural grade; this is in addition to the protection of significant and heritage trees. The project review processes in DR districts are the most effective tool the County currently has for ensuring the retention of important vegetative resources in bayside communities, however these policies apply in very limited geographic areas.

The County’s Resource Management district (RM) zoning states that no development shall have significant adverse impacts on wildlife resources or habitat, and that developments should be located and designed so they are subordinate to the existing character of the site. The RM zoning calls for consideration of microclimatic conditions and soil stability characteristics on sites where new development is proposed, and for trees with circumference greater than 55 inches at 4.5 feet above natural grade to be retained unless they pose a hazard or are permitted for removal for authorized development. The Planned Agricultural District (PAD) zoning only references tree protection by requiring adherence to the Development Review Criteria of RM districts, which were described in the beginning of this paragraph.

Local Coastal Program. In addition, the County’s certified local coastal program (LCP) includes policies that require us to “locate and design new development to minimize tree removal”. The LCP requires that “new development be located, sited, and designed to fit the physical setting, so that its presence is subordinate to the pre-existing character of the site, enhances the scenic and visual qualities of the area, or maintains the natural characteristics of existing major water courses, established and mature trees, or dominant vegetative communities.” In addition the LCP policies direct us to employ the County’s significant and heritage tree ordinances to protect trees, and the LCP prohibits: (1) tree removals in scenic corridors, except by selective harvesting and (2) all trees with circumference greater than 55 inches in the coastal zone, except as may be permitted for development that is consistent with LCP policies. Within Parks and natural areas, the LCP policies allow tree cutting...to preserve, maintain or recreate the desired environmental setting.” Finally, “Prohibit the removal of tree masses which would destroy the silhouette of the ridgeline or hilltop forms.”

## Policies in Other Cities and Counties

Other local governments have adopted similar policies to protect valuable trees, with slight variations from San Mateo County's policies. They all allow the removal of protected trees if certain conditions are met and continued protection of the tree would interfere with reasonable enjoyment and development of the property. Marin County takes into consideration the "number, species, size, and location of trees remaining in the area" (Marin County Planning Department, 2012) surrounding the project site, as San Mateo County does. San Luis Obispo County considers obstruction of "sunlight needed for either active or passive solar heating or cooling" (San Luis Obispo County Planning Department, 2010), which San Mateo County currently does not. Sonoma County can deny an application for tree removal if the "tree to be removed contains an active bird nest of a rare and endangered species and relocation of the nest is not possible" (Sonoma County Planning Department, 1986), while San Mateo County currently does not. All of these counties have a clause in their policy requiring developers to design their site plans such that heritage trees will be retained if possible.

For development on private property, Palo Alto created a class of protected trees that include "trees of a specific species or distinctive character" that includes all Coast Live Oaks, Valley Oaks (greater than 11.5 inches in diameter) Coast Redwood trees (greater than 18 inches in diameter) as well as Heritage Trees (City of Palo Alto, 2015). Efforts must be made to protect these trees from removal with development. Similarly, Designated Trees are those designated by the City for protection on a development site.

Palo Alto, Menlo Park, and the City of San Mateo all have \$5,000 fines for unlawful removal of heritage trees. Santa Clara County will levy a civil penalty of \$10,000-\$200,000 plus a criminal penalty of \$10,000-\$200,000 for the unlawful removal of a heritage tree. Santa Cruz County issues a fine of not more than \$1,000 or 6 months in prison, or both. San Mateo County uses a fine of up to \$500 in addition to 25-150 days in prison. We do not currently have data to assess the effectiveness of these policies.

## Evaluation of Local Government Policies

In 1990, The International Society of Arboriculture (ISA) conducted a study of tree protection ordinances in California. They analyzed 50% of the existing city tree ordinances and 80% of existing county tree ordinances in the state, along with some that had not been enacted yet. They found that many cities and counties had adopted the exact same measures, sometimes word for word. Heritage tree protection policies in the Bay Area seem to have many similarities to each other. It would appear that genuine efforts have been made to craft ordinances that balance development and environmental protection in Bay Area and Central Coast communities. ISA points out that it is very hard to have success with tree protection measures when there is not sufficient public support or appreciation (International Society of Arboriculture, 2001). San Mateo County, has been experiencing increased support for improving management of trees.

Although there are no specific findings from the ISA study regarding San Mateo County's ordinance, staff's review of other ordinances found that the County's policies are generally as

protective if not more protective of trees as other jurisdictions, but some do have more protective policies. Further research will be done to determine how many tree removal permits have been granted since 1999, to compare with the data we have on our own removal permits. Then we will be able to see how the application of different ordinances has played out over time. At this point it seems San Mateo County is more environmentally conservative than most other counties, at least on paper.

## Policy Options

There is a range of policy options varying from emphasizing development in lieu of tree protection to policies requiring tree protection unless such protection would prevent any economic use of the property. However, as the population of the county has become larger and more affluent, there has been growing pressure on natural resources leading to the loss of historically, socially, and ecologically valuable trees. In many communities this has become a major cause for concern because of the ever-growing awareness of ecological and other benefits that trees provide. The following policy options are meant to support discussion within the steering committee to inform Planning staff and decision makers drafting and adopting ordinance revisions. Potential tradeoffs are discussed for each option.

**Option 1.** Allow the removal of any existing trees on the site proposed for development, when they conflict with development plans.

Some developers would like to be able to remove all or most of the existing trees on their site in order to maximize flexibility for locating buildings and new landscaping to create a consistent and integrated design. Under this scenario, the individual private property owner benefits through increased flexibility and complete control over site design. There are a wide range of downsides though, including the loss of ecosystem services derived from trees on the site. Adverse impacts to wildlife, air quality, stormwater runoff, and human health would be maximized. This is not a likely option as it would require significant retrenchment from current County policy and would not be approved by the Coastal Commission for regulating the Coastal Zone.

**Option 2.** Allow relaxation of standards to facilitate tree retention.

If the site plan of a proposed development calls for the removal of a valuable tree, certain standards can be relaxed to potentially retain the tree. If the dripline of a tree is in the footprint of a proposed structure, reduced or increased setback requirements could allow for the structure location to be shifted to the extent that the tree will not have to be removed. Adopting this option into tree protection policy will give the County another tool to retain trees in certain circumstances, but will not be helpful on all project sites. Building standards, including required setbacks from the street and adjacent lots, exist for good reasons. Deviating from required setbacks can create privacy issues for neighbors, and can undermine the integrity of a development pattern established by prior development, or it may be perceived as special or unfair treatment



of a property owner, compared to similarly situated applicants. There may also be limitations based on fire codes, and other applicable policies that prevent relaxation of setback standards.

**Option 3.** Require reduced development intensity on the site to preserve trees.

If the site plan of a proposed development calls for the removal of valuable trees, the County has limited authority to require redesign of the proposed structure in order to retain the trees that are deemed most critical to the ecology of the site, as determined by Planning staff. However, these policies could be changed to provide the County with greater discretion with regard to project redesign, including reconfiguration, or size or scale reduction to protect trees. The redesign could include changing the floorplan, size, or location of the proposed structure. This would restrict development to a certain degree but some economic enjoyment of the property would still be possible.

Some pitfalls with this approach include potential challenges for property owners obtaining development financing, if the value of improvements allowed drops substantially below land value, reluctance of homeowners to agree to a reduction of the development program, particularly if it is below the development intensity allowed, especially if it is considerably different (lower) than similarly situated properties without trees.

**Option 4.** Incorporate the Design Review zoning ordinance policies into the Significant and Heritage Tree Removal ordinances.

“When siting a new home or an addition on a parcel, retain heritage and significant trees, with priority placed on retaining healthy, native species. Blend new structures and landscaping with the remaining natural vegetative cover of the site...” By including the tree-related review policies from the Design Review zoning ordinance in the Significant and Heritage Tree ordinances, there would be increased protection of significant and heritage trees applied to all lands in San Mateo County jurisdiction. This would increase workload for County staff because more proposed projects would have to be reviewed in greater detail. There is no language in the Design Review zoning that grants the County authority to require redesign of the proposed developments to preserve valuable trees, but it does provide guidance for the initial design to be tree-protective.

This policy approach would expand the areas of the unincorporated county where development would be subject to policies that could require project redesign to protect trees. The challenges associated with this approach are similar to those discussed above with regard to Option 3, e.g., potential financing challenges or property owner reluctance to be treated differently because a parcel has trees on it.

**Option 5.** Combination of Options 3 and 4.

Tree-specific Design Review District policies could be incorporated into the Significant and Heritage Tree ordinances, and the County could be given authority to require redesign of development plans, including the potential to limit development intensity to preserve trees, while still providing the owner some economic enjoyment of the property. One approach could be to modify the findings required to approve removal of a heritage and/or significant trees to make them more challenging to meet, such as whether: (1) reasonable, feasible design options exist that could preserve a tree proposed for removal and allow sufficient economic enjoyment of the property, (2) the tree is a unique specimen in a particular area; or (3) there is a dearth of trees in the area where the removal would occur, resulting in significant habitat loss.

There could be much greater potential for preservation of valuable trees. Preservation of the urban and suburban forest would be more readily achieved because the County would have enhanced tools for dealing with development proposals that are incongruous with the character of communities and urban canopy objectives. Development flexibility could decrease, because property owners would have to configure development proposals in ways that preserve trees. It could also lead to trees being preserved that may not survive due to building encroachments within driplines, due to efforts to maximize tree preservation.

**Option 6.** Create a greater level of protection for heritage trees. Currently, the policies regarding tree protection in the Heritage and Significant Tree ordinances are quite similar. Creating a higher level of protection for heritage trees could better protect the larger more visible trees that provide greater ecosystem benefits. This could make development more difficult on some sites, particularly if the site has several heritage trees.

**Option 7.** Require full preservation of existing trees on the site, unless doing so would prevent any reasonable economic enjoyment of the property.

This option would force all property developers to build around any existing trees on their property. While services derived from trees on the site would be maximized, reasonable enjoyment would be all but eliminated and economic impacts could be severe. This is not a viable option.

## Appendix

### San Mateo County Policies

**Table 1: Current San Mateo County Policies Regarding Tree Protection and Retention**

Regulation Source	Tree Retention Policies
County General Plan Policies	<p><i>1.25 Protect Vegetative Resources</i> Ensure that development will: (1) minimize the removal of vegetative resources and/or; (2) protect vegetation which enhances microclimate, stabilizes slopes or reduces surface water runoff, erosion or sedimentation; and/or (3) protect historic and scenic trees.</p> <p><i>4.3 Protection of Vegetation</i> Minimize the removal of visually significant trees and vegetation to accommodate structural development.</p> <p><i>4.29 Trees and Vegetation</i></p> <ul style="list-style-type: none"> <li>a. Preserve trees and natural vegetation except where removal is required for approved development or safety.</li> <li>b. Replace vegetation and trees removed during construction wherever possible. Use native plant materials or vegetation compatible with the surrounding vegetation, climate, soil, and ecological characteristics of the region and acceptable to the California Department of Forestry.</li> <li>c. Provide special protection to large and native trees.</li> </ul>
<i>Zoning Ordinance Sections Addressing Trees</i>	<b>Tree Retention Policies</b>
Regulation of the Removal of Heritage Trees	<p><i>SECTION 11052. Application for and Granting of Permits</i> The determination of the Community Development Director in granting or denying the permit or in affixing conditions shall be based upon the following criteria:</p> <ul style="list-style-type: none"> <li>(a) The general health of the tree;</li> <li>(b) The anticipated longevity of the tree;</li> <li>(c) Whether the tree is a public nuisance;</li> <li>(d) Proximity to existing or proposed structures and interference with utility services;</li> <li>(e) The necessity of the required action to construct improvements or otherwise allow economic or other enjoyment of the property;</li> <li>(f) The number, species, size and location of existing trees in the area;</li> <li>(g) The effect of the requested action in terms of historic values;</li> <li>(h) The topography of the land and effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow of surface waters.</li> </ul>

	<p>The Community Development Director may refer the application to another department, committee, or person for report and recommendation.</p> <p>In granting a Heritage Tree Removal/Trimming Permit, the Community Development Director may attach reasonable conditions to insure compliance with the content and purpose of this ordinance, such as, but not limited to, requiring replacement of trees removed with plantings acceptable to the Community Development Director. If a permit is denied or conditions attached, the Community Development Director shall provide the applicant with a written statement of the reasons for said denial or conditions based upon the above standards.</p> <p><i>SECTION 11054. Heritage Trees- Preservation and Maintenance of Existing Trees</i></p> <p>When proposed structures or developments encroach into the dripline area of any heritage tree, special construction to allow irrigation and aeration of the roots, as determined by the Community Development Director, may be required...The existing ground surface within the dripline of the heritage tree shall not be cut, filled, compacted, or paved without first having obtained permission of the Community Development Director. Tree wells or other techniques may be used where advisable. Excavation adjacent to such trees, where material damage to the root system will result, shall be allowed only after obtaining a permit...</p>
Regulation of Removal of Significant Trees	<p><i>SECTION 12023(a)-(b). Significant Trees - Criteria for Permit Approval</i></p> <p>(a) The tree...is too closely located to existing and proposed structures consistent with LCP Policy 8.9(a)</p> <p>(b) The required action is necessary (1) to utilize the property in a manner which is of greater public value than the environmental degradation caused by the action; or (2) to allow reasonable economic use or enjoyment of the property. These findings cannot be made for any property in the Coastal Zone.</p>
Resource Management District (RM)	<p>Chapter 20A.2 Development Review Criteria</p> <p><i>SECTION 6324.1.h-i. Environmental Quality Criteria</i></p> <p>...When an extensive change in vegetative cover is proposed, it must be demonstrated that the change will provide for minimal adverse impact on microclimatic conditions, and similar protection from erosion as that provided by the existing vegetation...</p> <p>No use or development shall have a significant adverse environmental impact upon primary wildlife or marine resources. Development shall clearly demonstrate a high degree of compatibility with, and minimal adverse impact on, wildlife habitat areas.</p>

	<p><i>SECTION 6324.2. Site Design Criteria</i></p> <ul style="list-style-type: none"> <li>(a) Development shall be located, sited and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surrounding is maintained to the maximum extent practicable...;</li> <li>(d) No use, development or alteration shall... substantially detract from the natural characteristics of ... established and mature trees and other woody vegetation, dominant vegetative communities or primary wildlife habitats...;</li> <li>(j) Removal of living trees with trunk circumference of more than 55 inches measured 4-1/2 feet above the average surface of the ground is prohibited, except as may be required for development permitted under this Ordinance, or permitted under the timber harvesting ordinance, or for reason of actual or potential danger to life or property.</li> </ul>
Local Coastal Program (LCP)	<p><i>SECTION 6328.27. Visual Resources Criteria</i></p> <p><b>NATURAL FEATURES--VEGETATIVE FORMS</b></p> <p><b>8.9 Trees</b></p> <ul style="list-style-type: none"> <li>a. Locate and design new development to minimize tree removal.</li> <li>b. Employ the regulations of the Significant Tree Ordinance to protect significant trees (38 inches or more in circumference) which are located in urban areas zoned Design Review (DR).</li> <li>c. Employ the regulations of the Heritage Tree Ordinance to protect unique trees which meet specific size and locational requirements.</li> <li>d. Protect trees specifically selected for their visual prominence and their important scenic or scientific qualities.</li> <li>e. Prohibit the removal of trees in scenic corridors except by selective harvesting which protects the existing visual resource from harmful impacts or by other cutting methods necessary for development approved in compliance with LCP policies and for opening up the display of important views from public places, i.e., vista points, roadways, trails, etc.</li> <li>f. Prohibit the removal of living trees in the Coastal Zone with a trunk circumference of more than 55 inches measured 4 1/2 feet above the average surface of the ground, except as may be permitted for development under the regulations of the LCP, or permitted under the Timber Harvesting Ordinance, or for reason of danger to life or property.</li> <li>g. Allow the removal of trees which are a threat to public health, safety, and welfare.</li> </ul>

<p>Design Review District (DR)</p>	<p><i>SECTION 6515.15-16 Emerald Lake Hills, Oak Knoll Manor and Palomar Park</i></p> <p>A. Site Planning. As much as possible, site new buildings on a parcel in locations that: 1. Minimize Tree Removal...</p> <p><i>SECTION 6517. Standards for Design in Other Areas</i></p> <p>A. Proposed structures are designed and situated so as to retain and blend with the natural vegetation and landforms of the site...</p> <p>E. Trees and other vegetative land cover are removed only when necessary for the construction of structures or paved areas in order to reduce erosion and impacts on natural drainage channels, and maintain surface runoff at acceptable levels.</p> <p><i>SECTION 6565.20(C). Site Planning and Structure Placement</i></p> <p>When siting a new home or an addition on a parcel, retain heritage and significant trees, with priority placed on retaining healthy, native species. Blend new structures and landscaping with the remaining natural vegetative cover of the site...</p> <ol style="list-style-type: none"> <li>1. Minimize tree and vegetation removal to the extent necessary for the construction of structures</li> <li>2. Retain heritage and significant trees, with priority placed on retaining, healthy, native species...</li> <li>3. Tree removal and replacement shall be in accordance with Section 6565.21, Standards for the Protection of Trees and Vegetation.</li> </ol> <p><i>SECTION 6565.21. Standards for the Protection of Trees and Vegetation</i></p> <p>The following standards shall apply in all areas zoned DR. In Emerald Lake Hills, Oak Knoll Manor, Palomar Park and Devonshire, the following standards shall apply to trees 6 inches or more in diameter or 19 inches or more in circumference (measured at 4 1/2 feet above the ground), while in all other areas the following standards shall apply to trees 12 inches or more in diameter or 38 inches or more in circumference (measured at 4 1/2 feet above ground).</p> <p>A. Prohibit the removal of a tree unless:</p> <ol style="list-style-type: none"> <li>1. There is no alternative building site for a house, driveway, or accessory structure, or</li> <li>2. Except for any property in the Coastal Zone, tree removal is necessary: <ol style="list-style-type: none"> <li>a. to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action, or</li> <li>b. to allow reasonable economic or other enjoyment of the property, or</li> </ol> </li> </ol>
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	<p>3. A tree:</p> <ol style="list-style-type: none"> <li>a. is diseased,</li> <li>b. could adversely affect the general health and safety,</li> <li>c. could cause substantial damage,</li> <li>d. is a public nuisance,</li> <li>e. is in danger of falling,</li> <li>f. is too closely located to existing or proposed structures,</li> <li>g. acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite, or</li> <li>h. is a substantial fire hazard.</li> </ol> <p>The Community Development Director or other reviewing body for the project shall have the authority to request a written report substantiating the removal of any tree in accordance with this subparagraph.</p>
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### Other Local Jurisdictional Policies Regarding Tree Removal

- **San Luis Obispo County**

- 22.56.030 - Tree Removal Standards - A tree may be removed only when the tree is any of the following:
  - Dead, diseased beyond reclamation, or hazardous;
  - Crowded, with good horticultural practices dictating thinning;
  - Interfering with existing utilities, structures or right-of-way improvements;
  - **Obstructing existing or proposed improvements that cannot be reasonably designed to avoid the need for tree removal;**
  - Inhibiting sunlight needed for either active or passive solar heating or cooling, and the building or solar collectors cannot be oriented to collect sufficient sunlight without total removal of the tree;
  - In conflict with an approved fire safety plan where required by Chapter 22.50;
  - To be replaced by a tree that will provide equal or better shade, screening, solar efficiency or visual amenity within a 10-year period, as verified in writing by a registered landscape architect, licensed landscaping contractor or certified nurseryman.

- **Marin County**

- 22.62.050 - Decision and Findings for a Tree Removal Permit.

In considering a Tree Removal Permit application, the Director may only grant approval or conditional approval based on a finding that removal of the tree(s) is necessary for the reasonable use and enjoyment of land under current

zoning regulations and Countywide Plan and Community Plan (if applicable) policies and programs, taking into consideration the following criteria:

- Whether the preservation of the tree would unreasonably interfere with the development of land;
- The number, species, size and location of trees remaining in the immediate area of the subject property;
- The number of healthy trees that the subject property can support;
- The topography of the surrounding land and the effects of tree removal on soil stability, erosion, and increased runoff;
- The value of the tree to the surrounding area with respect to visual resources, maintenance of privacy between adjoining properties, and wind screening;
- The potential for removal of a protected or heritage tree to cause a significant adverse effect on wildlife species listed as threatened or endangered by State or Federal resource agencies in compliance with the California Environmental Quality Act (CEQA);
- **Whether there are alternatives that would allow for the preservation of the tree(s), such as relocating proposed improvements, use of retaining walls, use of pier and grade beam foundations, paving with a permeable substance, the use of tree care practices, etc.**

- **Sonoma County**

- *Sec. 26D-5.* Permit processing procedures.
  - The applicant shall be issued a summary notice to be posted on a pole or tree or fence nearest to the front of the lot. Copies shall be posted on each corner of the lot or site visible to the public. The notice will state, “Application has been made to the Planning Department to cut and/or damage certain trees on this site, previously described in a Board of Supervisors resolution as a Landmark or Heritage Tree. A copy of the tree removal plan is on file with the Planning Department”.
- (e) A finding of any one of the following situations is grounds for denial
  - Removal or damage of a healthy tree could be avoided by:
    - **Reasonable redesign of the site plan, prior to construction;**
    - Trimming, thinning, tree surgery or other reasonable treatment, as determined by the planning director.
  - Adequate provisions for drainage, erosion control, land stability, windscreen, buffers along the road and between neighbors have not been made where such problems are anticipated as a result of the removal.
  - The tree to be removed contains an active bird nest of a rare and endangered species and relocation of the nest is not possible.



- 1.1.8 Applications for new development.
  - Scope of Tree Committee Authority: The scope of the review by the tree committee shall be limited to the identification of potential impacts of the proposed development to existing trees on or adjacent to the project site, and recommendations to the planning commission or the architectural review commission relative to the mitigation of identified impacts, including but not limited to a replacement program.
  - Authority of Planning Commission and Architectural Review Commission to Impose Conditions: The planning commission or architectural review commission, under their authority to approve, conditionally approve, or deny a project application, may, based on the recommendations of the tree committee and the arborist's report, **modify the project site plan, adopt conditions of approval, or take any other relevant action deemed necessary to preserve, protect or replace existing trees on or adjacent to the project site.** Failure to comply with requirements or conditions of approval, established by the planning commission or architectural review commission, shall be considered a violation of the provisions of this chapter.

- **Santa Cruz County**

- 16.34.060 *Required findings.*

One or more of the following findings shall be made prior to granting approvals pursuant to this chapter in addition to the findings required for the issuance of a development permit in accordance with Chapter 18.10 SCCC:

- That the significant tree is dead or is likely to promote the spread of insects or disease.
- That removal is necessary to protect health, safety, and welfare.
- That removal of a nonnative tree is part of a plan approved by the County to restore native vegetation and landscaping to an area.
- That removal will not involve a risk of adverse environmental impacts such as degrading scenic resources.
- That removal is necessary for operation of active or passive solar facilities, and that mitigation of visual impacts will be provided.
- That removal is necessary in conjunction with another permit to allow the property owner an economic use of the property consistent with the land use designation of the Local Coastal Program Land Use Plan.
- That removal is part of a project involving selective harvesting for the purpose of enhancing the visual qualities of the landscape or for opening up the display of important views from public places.
- That removal is necessary for new or existing agricultural purposes consistent with other County policies and that mitigation of visual

impacts will be provided. Also see SCCC 16.34.090(D), exemption of tree crops. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

*13.11.072 Site design.*

- (B) It shall be an objective to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, to a reasonable extent, into the site design.
  - The site plan shall relate to surrounding topography, and significant natural vegetation of long-term quality shall be retained, where appropriate.
  - Existing mature trees, rock outcroppings, riparian corridors, natural site amenities and other features shall be retained or enhanced and incorporated into the site design and landscaping, where appropriate.
  - Buildings shall be sited and oriented in such a way as to take advantage of, or make connection to, the site amenities and features, where appropriate.
  
- **San Mateo City**
  - Preservation of Heritage Trees. **The site design shall make every reasonable effort to preserve heritage trees**, consistent with Section 13.52.025 of the municipal code. Conditions shall also be imposed to protect heritage trees during construction. Heritage trees shall be removed only when it is demonstrated that preservation of these trees would result in a threat to health, safety, and welfare due to a hazardous tree condition, impacts on soil erosion and stability, or an unreasonable effect upon the economic enjoyment of the property, consistent with Section 13.52.040 of the municipal code.
  - Protection of Existing Trees. **The site design shall make reasonable effort to protect existing trees. The design shall be evaluated as to how it protects existing trees or the reasons for removal of existing trees.** Tree protection measures shall be provided for trees to remain on-site, which shall be consistent with Section 13.52.025 of the municipal code and imposed as a condition of approvals.

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