

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** July 10, 2024

**TO:** Planning Commission  
**FROM:** Planning Staff  
**SUBJECT:** Protected Tree Ordinance Update Briefing

**PROPOSAL**

Consider a briefing by staff on the Tree Ordinance update aligning it with the intent of the County's General Plan.

**RECOMMENDATION**

1. That the Planning Commission be informed of the proposed changes to the County's tree removal regulations prior to the draft ordinance being brought to the Commission for recommendation to the Board of Supervisors.

**BACKGROUND**

Report Prepared By: Bharat Singh

Location: Unincorporated San Mateo County

**DISCUSSION**

A. **KEY ISSUES**

The staff with the assistance from consultants (Dudek) has prepared an update to the County's Tree Removal Regulations (Attachment A) to improve management of individual trees and tree canopy in the County, and to improve the tree removal and trimming permit process, consistent with the County's General Plan. The draft ordinance was released for public review and comments on June 24, 2024, along with a companion website ([sanmateocountytrees.org](http://sanmateocountytrees.org)). The website also provides tree management resources and guidance for county residents.

**ATTACHMENTS**

- A. Tree Ordinance Public Review Draft

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County of San Mateo  
Planning and Building Department

## PROTECTED TREE ORDINANCE OF SAN MATEO COUNTY (Part Three of Division VIII of the San Mateo County Ordinance Code) (Heritage Tree and Significant Tree Regs first adopted 4/5/77)

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## **CHAPTER 1. INTENT AND PURPOSE**

### **SECTION 99,000. FINDINGS, PURPOSE AND INTENT.**

The Board of Supervisors finds and declares that the existing and future trees and tree communities located within the County of San Mateo are a valuable and distinctive natural resource. The urbanized areas of the County are forested by many native and non-native trees and contain individual trees and communities of trees of great beauty. To foster the health and welfare of the residents of the County, these trees must be conserved in order to preserve the scenic beauty and habitat of the County, reduce erosion, flood hazards and risk of landslides, maintain plant, animal and human habitats, intercept pollutants in the air, preserve property values, reduce or treat stormwater pollutants and mitigate impacts of climate change. The Board of Supervisors finds that establishing regulations controlling the removal, replacement, and preservation of trees within the County will further the maintenance and advancement of these public benefits.

The Board of Supervisors finds and declares that the tree canopy in the County is considerably altered from natural conditions. This alteration resulted from historic extensive logging, land clearing, stream channelization, over grazing, grassland conversion, suburban and urban development, and other land management practices that contributed to considerable loss of indigenous trees and introduction of exotic trees throughout the urbanized areas of the County. Preserving and planting indigenous trees in proper locations enhances wildlife habitat, mitigates climate change, increases biodiversity, conserves water, and improves watershed function.

It is the intent of the Board of Supervisors to regulate the removal of trees within the urbanized areas and certain developed rural areas of the County, preserve indigenous trees, maintain a healthy urban forest, and increase tree canopy as ecologically appropriate in certain urban areas of the County. The Board of Supervisors will accomplish this intent through staff review of tree removal permit applications and the development review process. Consistent with these goals, it is the County's intent that removed trees shall be replaced, and over time, urban areas deficient in trees will have greater tree canopy, and that replacement trees are drought tolerant, fire resistant, and advance County goals.

### **SECTION 99,001. TITLE.**

This ordinance shall be known as the "Protected Tree Ordinance."

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## CHAPTER 2. DEFINITIONS

### SECTION 99.002. DEFINITIONS.

For the purposes of this ordinance, the following words shall have the meaning ascribed to them in this chapter.

1. ARBORIST REPORT means a professional report prepared by a certified arborist that meets the requirements outlined in the companion document to this ordinance.
2. BUILDING ENVELOPE means the surface area of a parcel:
  - a. where a building may be built, consistent with applicable zoning regulations, without a variance, home improvement exception, or other exception from zoning regulations; including second units, but not including accessory structures or landscaping improvements;
  - b. that is necessary for the construction of primary access to structures located on the parcel, where there exists no feasible means of access which would avoid Protected Trees; and
  - c. the vertical projection of a proposed building (walls, porches, roof, etc.) may affect the trunk or canopy of existing trees.
3. BUILDING FOOTPRINT means the two-dimensional configuration of an existing or proposed building's perimeter boundaries as measured on a horizontal plane at ground level.
4. CANOPY means the total area of the tree or trees where the leaves and outermost branches extend, also known as the "dripline."
5. CERTIFIED OR CONSULTING ARBORIST means an individual in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide a tree report, risk assessment, tree survey or supervise the care and maintenance of trees; and who is certified by the International Society of Arboriculture, a member of the American Society of Consulting Arborists or an arboricultural professional approved by the ~~Community Development Director~~Director of Planning and Building.
6. COMMUNITY OF TREES means a group of five or more indigenous trees on one parcel, each of the same species and greater than 6 inches DSH, or a group of trees which are ecologically or aesthetically related to each other such that loss of several of them would cause a significant ecological, aesthetic, or environmental impact in the immediate area, including any sensitive habitat or buffer zone as defined in the County General Plan.
7. COUNTY means the County of San Mateo acting by and through its authorized representatives.

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8. DEAD TREE means a tree that is no longer alive or is in an advanced state of decline exhibiting an insufficient amount of seasonally appropriate live tissue (leaves, buds, twigs, bark) to sustain life (less than 10% natural vigor) as determined by a Certified or Consulting Arborist; or can otherwise be shown to be dead as determined by the ~~Community Development Director~~Director of Planning and Building.
9. DEVELOPMENT means any work upon any property in the County requiring a discretionary or ministerial permit approval or issuance including but not limited to subdivision, rezoning, variance, grading, landscaping subject to the California Water Efficient Landscape Ordinance, building permit, or other County approval if within a protected tree's dripline or any area that would affect a protected tree. In the Coastal Zone, development is further defined in Policy 1.2 of the County's Local Coastal Program.
10. DEFENSIBLE SPACE means the area around a legally permitted structure where dead, dry, or overgrown vegetation is removed to mitigate fire risk in State Responsible Areas (SRA) and Local Responsible Areas (LRA) of the County.
- 10-11. DEPARTMENT means the County of San Mateo Planning and Building Department.
- 11-12. DIAMETER means measurement of the trunk diameter. For the purpose of applying this definition, diameter shall be measured 4.5 feet (54 inches) above natural grade, also called diameter at standard height (DSH). Measurement of multi-trunk trees is determined by adding the largest stem diameter to one-half of the next two largest stem diameters, measured at 4.5 feet (54 inches) above natural grade.
- 12-13. DIRECTOR OF PLANNING AND BUILDING COMMUNITY DEVELOPMENT DIRECTOR means the ~~Community Development Director~~Director of Planning and Building of the County of San Mateo Planning and Building Department, including their authorized or designated representatives.
- 13-14. DRIPLINE area means the outermost circumference of the tree or trees' canopy, from which water drips onto the ground. The 'dripline area' is taken to include the soil and roots that lie within that circumference.
- 14-15. EFFECTIVELY REMOVE means actions that foreseeably lead to the death of a tree or permanent damage to its health. Effective removal actions include, but are not limited to:
- Any extreme root or branch pruning that is not consistent with standard arboriculture practices for a healthy tree;
  - Removal of the bark around the circumference of the tree (girdling);
  - Compaction of soil within the dripline;
  - Introduction of harmful chemicals;
  - Introduction of pests or disease;
  - Unauthorized relocation or transportation of a tree; and
  - Trenching, excavating, altering the grade, or paving within the tree protection

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zone

- ~~15-16.~~ 16-17. EMERGENCY means a sudden, serious, unexpected, and often dangerous situation requiring immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. An emergency tree situation typically means a tree failure that is active and in progress, such as a broken but still attached branch; a partially uprooted tree; or a split fork or bifurcated main stem, that meets the “extreme” or “high” risk characteristics as defined by the International Society of Arboriculture.
- ~~16-17.~~ 17-18. EXOTIC TREE means any tree known not to be a native or indigenous tree, including planted trees or those that have escaped from cultivation.
- ~~17-18.~~ 18-19. HERITAGE TREE means a tree (or grouping of trees) specifically designated by action of the Board of Supervisors that possesses exceptional and unique size, age, horticultural significance, aesthetic, biological, cultural, or historic value, and is irreplaceable and expected to have a continuing contribution to the community.
- ~~18-19.~~ 19-20. HAZARD TREE means a tree that shows explicit and immediate danger to public safety and property, or is determined to be in the High or Extreme risk category by a Tree Risk Assessment Qualified (TRAQ) Certified Arborist. Hazard Trees may include dead or dying trees, dead parts of live trees, or unstable live trees (due to structural defects or other factors) that are within striking distance of a target (people, property, or infrastructure) and has the potential to cause death, injury, or substantial property damage if they fail.
- ~~19-20.~~ 20-21. INDIGENOUS TREE means any tree originating or occurring naturally in San Mateo County as enumerated in Table 3.1 in this ordinance.
- ~~20-21.~~ 21-22. MULTI-TRUNK TREE means a tree having more than one major supporting stem or trunk growing from a single root mass located at ground level or just above the trunk flare, capable of naturally exceeding ten feet in height at maturity. Multi-trunk tree does not include suckering growth or subordinate root sprouts.
- ~~21-22.~~ 22-23. PERSON means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, or any other group or combination acting as a unit, or public agency, including the County and its departments.
- ~~22-23.~~ 23-24. PRIVATE PROPERTY means all property in unincorporated San Mateo County that is not owned by the County of San Mateo or any other public agency.
- ~~23-24.~~ 24-25. PROTECTED TREE means a tree regulated by the County of San Mateo as set forth in Sections 99,005: Protected Trees, Section 99.006.1: Tree Removal and Tree Pruning in Specified Bayside Design Review Districts, and Section 99,022: Application and Designation of Heritage Trees.
- ~~24-25.~~ 25-26. PRUNING means the selective removal of plant parts to meet specific goals and objectives, including but not limited to: safety and risk reduction; clearance;

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growth control; and to enhance performance or function by developing and preserving tree structure and health or preserving or improving wildlife habitat.

~~25-26.~~ PUBLIC PROPERTY means all property owned by the County of San Mateo, any other city, county, special district, or other public agency in the unincorporated area of San Mateo County.

~~26-27.~~ PUBLIC NUISANCE means any tree or part thereof, growing in or overhanging a public street or right-of-way that interferes with the use of any public street or public place in the County. Or, any tree which, because of its location, diseased condition, or condition of its limbs, roots or trunk, endangers the life, health, safety, comfort or property of any persons using such public street or such public place, in the opinion of the ~~Community Development Director~~Director of Planning and Building.

~~27-28.~~ SOLAR COLLECTOR means a fixed device, structure, or part of a device or structure, on the roof of a building, that is used primarily to transform solar energy into thermal, chemical, or electrical energy.

~~28-29.~~ STREET means all or any portion of territory within the County set apart and designated for the use of the public as a thoroughfare for travel, including the sidewalks, curb, and gutter, and which is maintained by the County or State.

~~29-30.~~ REMOVE means complete removal, such as cutting to the ground or extraction of a tree.

~~30-31.~~ RURAL, or RURAL AREA means lands that are located outside the urban/rural boundary as identified by the San Mateo County General Plan or Local Coastal Program.

~~31-32.~~ SCENIC CORRIDOR means any scenic road corridor identified in the County General Plan or Local Coastal Program.

~~32-33.~~ SEVERE PRUNING means topping or any other non-permitted extreme canopy or root pruning which does not meet the specific pruning goals and objectives as set forth in the current version of the International Society of Arboriculture Best Management Practices—Tree Pruning and American National Standards Institute (ANSI) A300-Part 1 Tree, Shrub and Other Woody Plant Management—Standard Practices, (Pruning).

~~33-34.~~ STREET TREE means a tree in a public right-of-way.

~~34-35.~~ TARGET means any person, structure, or object capable of being damaged, injured, or killed by a failed tree or portion of a tree.

~~35-36.~~ TOPPING means the practice of cutting back large diameter branches of a tree, including but not limited to cutting of a central leader, to some predetermined lower height to reduce the overall height of the tree, where the remaining buds, stubs or lateral branches are not large enough to assume a terminal role.

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~~36.37.~~ TREE means a woody perennial plant characterized by having a main stem or trunk, or a multi-stemmed trunk system, with a defined canopy, extensive subterranean roots, and generally reaches over ten feet in height at maturity.

~~37.38.~~ TREE PROTECTION ZONE (TPZ) means the area measured radially from the trunk that is 10 times the trunk diameter measured at 4.5 feet (54 inches circumference) above grade or the dripline, whichever is greater; or as specified in a report prepared by a certified or consulting arborist and approved by the ~~Community Development Director~~ Director of Planning and Building. The TPZ is an area where construction activities are prohibited or restricted to prevent injury to protected trees during pre-construction and construction and may include barriers such as fencing.

~~38.39.~~ TREE RISK RATING means the rating of tree risk as defined by the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification (TRAQ) Tree Risk Rating Matrix, which categorizes risk as extreme, high, moderate or low, based on an assessment of the likelihood of failure and impact, and the consequences such failure and impact would have on life, property, utilities, or essential transportation systems.

~~39.40.~~ TREE VALUE STANDARD means the method of appraising a tree's value to a property using the Replacement Cost Method as described in the most recent edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA) and the Species Classification and Group Assignment by the Western Chapter of the International Society of Arboriculture (ISA).

~~40.41.~~ TRUNK means the primary structural woody part of the tree beginning at and including the trunk flare and extending up into the crown from which scaffold branches grow.

~~41.42.~~ TRUNK FLARE means the area at the base of the plant's trunk where it broadens to form roots and is the transition area between the root system and the trunk. The rapid increase in diameter that occurs at the confluence of trunk and root crown, associated with both stem and root tissue.

~~42.43.~~ URBAN, or URBAN AREA means lands that are located within the urban/rural boundary as identified in the San Mateo County General Plan or Local Coastal Program.



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## CHAPTER 3. APPLICABILITY AND EXEMPTIONS

### SECTION 99,003. APPLICABILITY.

This ordinance shall apply to every property owner and to every Person responsible for removing, pruning, maintaining, or protecting a Protected Tree.

### SECTION 99,004. LIMITATIONS OF ORDINANCE.

None of the provisions in this ordinance may be construed to permit development otherwise disallowed by other County policies.

### SECTION 99,005. PROTECTED TREES.

The trees protected by this ordinance are:

1. Any tree 12.1 inches in diameter (38 inches circumference) or larger when measured 4.5 feet (54 inches) above natural grade. [See Section 99,006.1 for Protected Trees in Specified Bayside Design Review Districts.](#)
2. The following indigenous species shall be considered protected when they meet or exceed the minimum size as specified in Table 3.1:

Table 3.1 Protected Indigenous Trees		
Botanical name	Common Name	Minimum Trunk Diameter (measured at 4.5 feet above natural ground height)
<a href="#"><i>Acer macrophyllum</i></a>	<a href="#">Bigleaf Maple</a>	<a href="#">10 inches</a>
<a href="#"><i>Acer negundo</i></a>	<a href="#">California Box Elder</a>	<a href="#">10 inches</a>
<i>Arbutus menziesii</i>	Pacific madrone	10 inches
<a href="#"><i>Aesculus californica</i></a>	<a href="#">California Buckeye</a>	<a href="#">10 inches</a>
<a href="#"><i>Chrysolepis chrysophylla</i></a>	<a href="#">Golden Chinquapin</a>	<a href="#">10 inches</a>
<a href="#"><i>Fraxinus latifolia</i></a>	<a href="#">Oregon Ash</a>	<a href="#">10 inches</a>
<a href="#"><i>Hesperocyparis abramsiana</i></a>	<a href="#">Santa Cruz Cypress</a>	<a href="#">10 inches</a>
<a href="#"><i>Platanus racemosa</i></a>	<a href="#">California Sycamore</a>	<a href="#">10 inches</a>
<i>Pseudotsuga menziesii</i>	Douglas fir	18 inches
<i>Quercus agrifolia</i>	Coast live oak	10 inches
<i>Quercus chrysolepis</i>	Canyon live oak	10 inches
<i>Quercus douglasii</i>	Blue oak	10 inches
<i>Quercus parvula</i> var. <i>shrevei</i>	Shreve Oak	10 inches
<i>Quercus garryana</i>	Oregon white oak	Any Size
<i>Quercus kelloggii</i>	Black oak	10 inches
<i>Quercus lobata</i>	Valley oak	10 inches
<i>Quercus wislizenii</i>	Interior live oak	10 inches
<i>Salix lasiolepis</i> , <i>Salix laevigata</i> , <i>Salix lasiandra</i> , <i>Salix sitchensis</i>	Willow	Any size in riparian corridors; six inch or larger

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		"trunks" outside riparian corridors
<i>Sequoia sempervirens</i>	Redwood	18 inches
<i>Torreya californica</i>	California nutmeg	10 inches

3. Heritage Trees designated by the Board of Supervisors.
4. Any tree that was required by the County to be planted as a replacement tree, or protected trees retained by the terms and conditions of a development application, building permit, subdivision approval, tree removal, or code enforcement action.
5. A community of trees.
6. Any tree designated for carbon sequestration and storage and/or environmental mitigation purposes as identified in a permit or agreement between the property owner and a responsible government agency, where the County is a party or a third party beneficiary, or recorded as a deed restriction.

### **SECTION 99.006.1 TREE REMOVAL AND TREE PRUNING IN SPECIFIED BAYSIDE DESIGN REVIEW DISTRICTS THE RESIDENTIAL HILLSIDE (RH) DISTRICT.**

~~In the RH District, a Protected Tree is any tree that is 6 inches in diameter (19 inches circumference) or larger when measured 4.5 feet (54 inches) above the natural grade.~~

~~In the RH District, a Protected Tree Pruning Permit shall be required for the pruning of Protected Indigenous Trees only, where the cut would result in the removal of a branch or cutting of the trunk which is 6 inches in diameter (19 inches in circumference) or greater at the point of the~~

~~In the following Bayside Design Review Districts, a Protected Tree is any tree that is 6 inches in diameter (19 inches circumference) or larger when measured 4.5 feet (54 inches) above the natural grade:~~

~~Emerald Lake Hills and Oak Knoll Manor (RH/DR Zoning Districts)~~

~~Palomar Park (R-1/S-91/DR and R-1/S-101/DR Zoning Districts)~~

~~Devonshire (R-1/S-71/DR and R-E/S-102/DR Zoning Districts)~~

~~In the Districts listed above, a Protected Tree Removal Permit or an Expedited Tree Removal permit shall be required for the removal of one or more Protected Trees in accordance with this ordinance, unless one of the Exemptions in Section 99,007: Permit Exemptions applies.~~

~~In the Districts listed above, a Protected Tree Pruning Permit shall be required for the pruning of Protected Indigenous Trees only, where the cut would result in the removal of a branch or cutting of the trunk which is 6 inches in diameter (19 inches in circumference) or greater at the point of the cut.~~

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### **SECTION 99,006.2. TREE REMOVAL IN THE RESOURCE MANAGEMENT (RM) AND TIMBERLAND PRESERVE ZONE (TPZ) DISTRICTS.**

In the RM and TPZ Districts, within any County or State Scenic Corridor as identified in the San Mateo County General Plan or Local Coastal Program, a Protected Tree Removal permit or an Expedited Tree Removal permit shall be required for the removal of one or more Protected Trees in accordance with this ~~Ordinance~~ordinance, unless one of the Exemptions in Section 99,007: Permit Exemptions applies.

In the RM and TPZ Districts outside of any County or State Scenic Corridor, no permit is required in accordance with this ordinance for the removal of one or more Protected Trees. An RM or TPZ Permit may be required when tree removal is proposed as part of a development project, when any tree 55 inches in circumference or larger is proposed for removal, or when tree removal constitutes major removal of vegetation pursuant to the RM and TPZ District Regulations.

### **SECTION 99,006.3. TREE REMOVAL IN THE RESOURCE MANAGEMENT/COASTAL ZONE (RM/CZ), PLANNED AGRICULTURAL (PAD) AND TIMBERLAND PRESERVE/COASTAL ZONE (RM/CZ) DISTRICTS.**

In the RM/CZ and PAD Districts located within the urban area of the Midcoast, or in the RM/CZ, PAD and TPZ/CZ Districts within any County or State Scenic Corridor as identified in the San Mateo County General Plan or Local Coastal Program, a Protected Tree Removal permit or an Expedited Tree Removal permit shall be required for the removal of one or more Protected Trees in accordance with this ~~Ordinance~~ordinance, unless one of the Exemptions in Section 99,007: Permit Exemptions applies.

In the RM/CZ and PAD Districts located outside the urban area of the Midcoast, or in the RM/CZ, PAD, or TPZ/CZ Districts outside any County or State Scenic Corridor, no permit is required in accordance with this ordinance for the removal of one or more Protected Trees. An RM/CZ, TPZ/CZ, PAD and/or a Coastal Development Permit may be required when tree removal is proposed as part of a development project, when any tree 55 inches in circumference or larger is proposed for removal, or when tree removal constitutes major removal or harvesting of vegetation other than for agricultural purposes, pursuant to the RM/CZ, PAD and TPZ/CZ and Coastal Development (CD) District Regulations.

### **SECTION 99,007. PERMIT EXEMPTIONS.**

No permits shall be required under this ordinance in the following circumstances:

1. Tree removal carried out under the provisions of Parts One (Timber Harvesting Regulations of Division VIII of the San Mateo County Ordinance Code) or consistent with a permit issued by the California Department of Forestry and Fire Protection.
2. Emergency tree removal or pruning to remove a hazard to public safety and/or personal property as determined by the ~~Community Development Director~~Director of Planning and Building, consistent with the requirements of Section 99,021: Emergencies.

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3. Tree removal or pruning for forest health and fire prevention projects as part of a Public Works Program, as approved by the Coastal Commission.
4. Tree removal or pruning of tree species that present a significant fire risk to include only the following taxa: eucalyptus (*Eucalyptus* spp.), pines (*Pinus* spp.), acacia (*Acacia* spp.) tanoak (*Notholithocarpus densiflorus*) and bay laurel trees (*Umbellularia californica*). Tree trunk must be located within 100 feet of any habitable structure, including structures on adjacent properties; or within 30 feet of a private or public road necessary for emergency evacuations.
5. Tree removal or pruning within the State Responsibility Area (SRA) or Local Responsibility Area (LRA) in a designated High or Very High Fire Hazard zone and identified by an Officer of the California Department of Forestry and Fire Protection, County Fire Marshal, or Local Fire Authority to provide defensible space for a legally permitted structure.
6. Tree removal or pruning carried out under the purview of the San Mateo County Parks Department within County Parks; the San Mateo County Department of Public Works in County rights-of-way or on other County property, or San Mateo County Project Development Unit on County property.
7. Tree removal or pruning by a California Public Utilities Commission licensed utility in order to maintain required clearance around power lines or pipelines.
8. Tree removal of a dead tree as defined in this ordinance.

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## CHAPTER 4. PERMIT REQUIREMENTS

### SECTION 99,008. PERMITS REQUIRED.

Except as provided in Section 99,007: Exemptions, a permit from the San Mateo County Planning and Building Department shall be required under this ordinance as follows:

1. A Protected Tree Removal permit shall be required to remove, ~~or~~ effectively remove, ~~or relocate~~ one or more protected trees on public or private property or within a public or private right-of-way.<sup>1</sup> ~~An Expedited Tree Removal permit-s~~ may instead be granted if the tree meets the conditions described in 99,013: Expedited Tree Removal Permits.
2. A Protected Tree Pruning Permit shall be required for
  - a. Tree pruning where the cut would result in the removal of a branch or cutting of a trunk that is 6 inches in diameter (19 inches circumference) or greater at the point of the cut for all Protected Indigenous Trees
  - b. ~~All Oak trees that are~~ Tree pruning of any oak tree (*Quercus* spp.) that is 30 inches in diameter (94 inches circumference) or greater in urban areas outside the Coastal Zone
  - c. Tree pruning of any ~~All~~ Heritage Trees.
3. For requirements specific to Specified Bayside Design Review Districts, RH, and RM, RM/CZ, PAD, TPZ and TPZ/CZ Districts, refer to Section 99,006.

### SECTION 99,009. PROTECTED TREE PERMIT APPLICATION REQUIREMENTS.

~~Any person desiring to remove, effectively remove, or relocate one or more protected trees on public or private property, or within public or private rights-of-way, must obtain a Protected Tree Removal permit. Any person desiring to prune a branch of any heritage tree or oak species larger than 30" DSH and located within Bay-side neighborhoods must obtain a Protected Tree Pruning Permit.~~

Applications for Protected Tree Removal or Protected Tree Pruning permits shall include the following:<sup>1</sup> ~~Applications for Protected Tree Removal or Protected Tree Pruning Permits shall include:~~

- a1. A completed tree removal or tree pruning application form provided by the ~~Planning~~ Department, signed by the property owner.
- b2. An arborist report, consistent with this ordinance and its companion document.
- c3. Photographs of the tree(s) from multiple aspects and distances, annotated as necessary to indicate areas of disease, decay, or other characteristics that are the basis of the removal or pruning application.

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<sup>1</sup> Tree removal within public or private rights-of-way may be subject to additional permitting or approvals including but not limited to an encroachment permit from the Department of Public Works.

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- e4. For pruning permits, a written description of the proposed pruning, including pruning objectives and methods to be used, consistent with International Society of Arboriculture Best Management Practices – Tree Pruning and ANSI A300 – Part 1 Tree, Shrub and Other Woody Plant Management – Standard Practices, (Pruning). If required by the ~~Community Development Director~~Director of Planning and Building, the written report shall be prepared by a certified or consulting arborist.
- e5. For subdivisions, grading, or development projects involving tree removal or pruning, ~~on~~ sites with existing trees to be preserved, an Existing Tree Plan and Tree Protection Plan, consistent with the requirements of Section 99.014: Tree Plan Requirements with Development Application and the companion document to this ordinance.
- f6. If structural damage to a building, major landscape feature, or appurtenance, including utilities is the basis for the request, a report from a licensed architect or engineer may also be required in addition to an arborist report. This additional report shall describe what modifications to buildings, structures, improvements, or utilities would be required to mitigate the damage(s) directly caused by the tree.
- 7. A Replacement Tree Replanting Plan pursuant to Section 99.012--:Required Replacement Planting.
- g8. Any other pertinent information the ~~Community Development Director~~Director of Planning and Building may require.
- h9. A fee as adopted by the Board of Supervisors.

### **SECTION 99.013. EXPEDITED TREE REMOVAL PERMIT REQUIREMENTS.**

An Expedited Tree Removal permit may be obtained instead of a Protected Tree Removal Permit pursuant to this section.

1. An Expedited Tree Removal Permit may be granted to remove the following trees :
  - a. *Acacia* spp.
  - b. Agricultural fruit or nut trees.
  - c. *Ailanthus altissima* (tree of heaven)
  - d. *Cupressus sempervirens* (Italian cypress)
  - e. *Eucalyptus* spp.

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- f. *Hesperocyparis macrocarpa* (Monterey cypress) outside of the Coastal Zone
- g. *Ligustrum lucidum* (privet)
- h. *Liquidambar styraciflua* (sweetgum)
- i. *Northolithocarpus densiflorus* (tanoak)
- j. *Magnolia* spp.
- k. *Myoporum laetum* (Ngaio tree)
- l. *Olea* spp. (olive)
- m. *Pinus* spp. (pine)
- n. *Pyrus calleryana* (ornamental flowering pear)
- o. *Schinus* spp. (pepper tree)
- p. *Umbellularia californica* (bay laurel)
- q. All palms excluding *Phoenix canariensis* (Canary Island date palm)

A maximum of three trees within a one-year period may be authorized for expedited removal on a parcel, ~~excluding dead trees which have no limit~~. Removal of more than three trees in a one-year period requires a Protected Tree Removal permit.

2. Application for Expedited Tree Removal Permit. Applications for expedited tree removal permits shall include the following:
  - a. A completed tree removal application form provided by the Department, signed by the property owner.
  - b. Photographs of the tree(s) from multiple aspects and distances adequate to determine species and size.
  - c. Supplemental documentation as determined by the ~~Community Development Director~~Director of Planning and Building.
  - d. A fee as adopted by the Board of Supervisors.
3. Action on Permit. Upon receipt of an Expedited Tree Removal Permit application, staff will review it to determine if the information required to take action is included, and inform the applicant if additional information is required. The ~~Community Development Director~~Director of Planning and Building will consider and take action on the complete application; no public notice or public hearing is required. ~~The~~

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~~Community Development Director's decision on expedited permits is final and is not appealable.~~

4. Replacement Replanting. Unless inappropriate due to existing tree canopy or site restrictions, permit approval shall be conditioned to require the planting of one or more replacement trees of a species selected from the County's Protected Tree Replacement Species List
- ~~5. Permit Expiration. If no action on the approved permit is taken within a period of one year from the date of approval, the permit shall be considered void.~~

### **SECTION 99.010. PROCESSING OF PROTECTED TREE PERMITS.**

Applications for Protected Tree Removal or Protected Tree Pruning Permits shall be processed in the manner set forth below:

1. Notice of Application.
  - a. Upon receipt of a complete Protected Tree Removal or Pruning application and prior to decision, the ~~Community Development Director~~Director of Planning and Building shall notice surrounding property owners within 100 feet of the parcel~~lot~~ containing the tree that is subject of the application, and all other interested parties.
  - b. Upon receipt of a complete Protected Tree Removal or Pruning application and prior to decision, the applicant shall post a notice of application on a form provided by the ~~San Mateo County Planning~~ Department in two conspicuous locations clearly visible to the public, preferably on the roadside or public street at eye level, on or close to the subject property ~~affected~~ indicating the date, a brief description of the application, the identification of the subject property, the address to which comments may be directed and from which further information may be obtained, and the final date for receipt of comments. The applicant shall indicate on the application his or her affidavit that this notice will be posted for at least ten (10) calendar days after the submission of the completed application. Trees proposed for removal shall be wrapped with yellow caution tape during the posting period to clarify which tree(s) is proposed for removal.
2. Application Review. ~~Upon~~After receipt of a complete Protected Tree Removal or Protected Tree Pruning application, the ~~Community Development Director~~Director of Planning and Building shall review the application and, if necessary, inspect the site. The ~~Community Development Director~~Director of Planning and Building may consult with other County departments or outside agencies at the Director's discretion. The ~~Community Development Director~~Director of Planning and Building ~~or deciding body~~ shall consider ~~determine on the basis of~~ the information provided in the application, the site inspection and public comments, if any, and the criteria contained herein in deciding whether to approve, conditionally approve, or deny a permit.



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3. Application Review Concurrent with Another Planning Permit . When a development application for any other planning permit or zoning approval, subdivision of land, including a lot line adjustment, or grading approval is under consideration by the ~~Community Development Director~~Director of Planning and Building or other deciding body, the determination on the Protected Tree Removal or Protected Tree Pruning Permit shall be made concurrently with the related development application by considering and applying the provisions of this ordinance, including any posting and noticing requirements and; review criteria, and by making the required requisite findings for permit approval in compliance with this ordinance.

~~Whenever any action is taken on a permit, the Community Development Director shall provide the applicant with a written statement indicating said action, conditions imposed, and the findings made in taking such action.~~

4. Review Criteria. ~~Upon~~After receipt of a completed Protected Tree Removal or Protected Tree Pruning application, ~~Protected T~~the Community Development Director~~Director of Planning and Building or deciding body~~ shall review each application ~~for a Protected Tree Removal or Protected Tree Pruning Permit required by this chapter~~ using the following criteria to determine whether ~~one or more of~~ the findings listed in Section 99,011: Required Findings can be made.

- a. **Tree Removal Without Development.** Protected trees shall not be removed unless they are exempt from permitting as provided in Section 99,007: Exemptions, or meet the findings found in Section 99,011: Required Findings.
- b. **Tree Removal With Development.** Protected trees shall not be removed unless they are exempt from permitting as provided in Section 99,007: Exemptions, or meet the findings found in Section 99,011: Required Findings. Protected trees shall not be removed unless all applicable review criteria have been met, and the trunk flare of the protected tree is touching or within the proposed building footprint and cannot be preserved.
- c. **Tree Removal and Subdivisions.** In connection with a proposed subdivision of land into two or more parcels, no protected tree shall be removed unless removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.). Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this chapter and be included in the subdivision map conditions.
- d. **Scenic Corridors.** Tree removal and pruning in County or State Scenic Corridors, shall be avoided. Any authorized tree removal within a scenic corridor ~~or within 100 feet of a scenic corridor~~ must be consistent with the applicable General Plan, Local Coastal Program, Zoning, and Design Review policies, this Chapter, and other applicable policies addressing scenic corridors. Tree removals in Scenic Corridors shall not substantially detract from the scenic and visual quality of the County; or will not substantially detract from the natural characteristics of existing major water courses, established and mature

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trees and other woody vegetation, dominant vegetative communities or primary wildlife habitats. Selective clearing of vegetation which allows the display of important public views, or vegetation removal to facilitate fuel reduction efforts for defensible space or line of sight improvements may be permitted. Clear cutting or removal of existing vegetation from rights-of-way is prohibited, except in those areas required for road and shoulder alignment, as required for reasons of safety, to open important public views, or to create a vista point.

- e. **Sensitive Habitats.** ~~Sensitive habitat areas include, but are not limited to, riparian corridors, sea cliffs, and habitats supporting rare, endangered, threatened, novel, or endemic species.~~ The removal of ~~protected~~ Protected trees ~~Trees and Protected Indigenous Trees~~ within sensitive habitats, as defined in SMC General Plan Policy 1.8 and SMC Local Coastal Program Policy 7.1, shall not be permitted. All tree work conducted in sensitive habitats must be consistent with ~~in correspondence with~~ the County of San Mateo's Habitat Conservation Plans, Local Coastal Program Policies, as well as all local, state, and federal policies.
- f. **Solar Shade Control.** Tree pruning and removals associated with access to sunlight for solar energy collectors must comply with California Solar Shade Control Act.

45. Notice of Decision. The ~~Community Development Director~~ Director of Planning and Building or another deciding body shall determine based on the information provided in the application, the site inspection and public comments, if any, and the criteria contained herein in deciding whether to approve, conditionally approve, or deny a permit. Whenever any action is taken on a Protected Tree Removal or Pruning permit, the ~~Community Development Director~~ Director of Planning and Building shall provide the applicant with a written statement indicating said action, conditions imposed, and the findings made in taking such action.

### **SECTION 99.011. REQUIRED FINDINGS FOR PERMIT APPROVAL.**

The ~~Community Development Director~~ Director of Planning and Building or deciding body shall approve a Protected Tree Removal Permit Or Pruning Permit only after determining that ~~making~~ the relevant findings based on the ~~Permit Application and Applicable~~ applicable Review Criteria can be made.

1. **Tree Removal Without Development or in Scenic Corridors.** Two or more of the following findings must be made.
  - a. The tree is in severe decline and diseased, or remedial treatments or corrective practices that would facilitate saving the tree are not feasible, as determined by the arborist report.

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- b. The tree is a Hazard Tree or otherwise a public nuisance which cannot be corrected through remedial measures.
  - c. The tree is suppressing or is suppressed by the growth and development of an adjacent protected tree of higher value, and removal of the tree will create improved growing conditions for the suppressed tree(s) to thrive.
  - d. The tree or structural tree part is causing damage to an existing infrastructure (including foundation or eaves) of a residence, commercial, or accessory structure
  - e. The tree has, or will imminently, interfere with utility services where such interference cannot be controlled or remedied through reasonable modification, relocation or repair of the utility service or the pruning of the root or branch structure of the tree; or where removal or pruning is required by a public utility to comply with California Public Utility Commission (CPUC) or Federal Energy Regulatory Commission (FERC) rules or regulations.
  - f. The removal of the tree is necessary to repair a geologic hazard.
2. **Tree Removal With Development or Subdivisions.** Findings a-d must be made, and at least two of findings e-j must be made.
- a. The removal proposal includes a tree replacement planting proposal that conforms to the replanting requirements of this ordinance.
  - b. There is no feasible alternative building site on the parcel for or configuration of a house, commercial structure, parking lot, driveway, or accessory dwelling unit that enables preservation of the tree. The applicant has maximized redesign opportunities to avoid or minimize tree removal, and trees and other vegetative land cover are proposed for removal only where necessary for the construction of structures or necessary paved areas. Denial of authorization to remove a tree in this case would cause a violation of a state housing law.
  - c. In the case of Single-Family development, the retention of the tree restricts the economic enjoyment of the property, such that the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent, or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the ~~Community Development Director~~ Director of Planning and Building that there are no reasonable alternatives to preserve the tree, or that such alternatives would have the effect of authorizing permanent structures not compatible or harmonious with other development in the vicinity.

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- d. No more than 50% of the property's tree canopy would be lost<sup>2</sup>.
- e. The tree is in severe decline and diseased, or remedial treatments or corrective practices that would facilitate saving the tree are not feasible, as determined by the arborist report.
- f. The tree is a Hazard Tree or otherwise a public nuisance which cannot be corrected through remedial measures.
- g. The tree is suppressing or is suppressed by the growth and development of an adjacent protected tree of higher value, and removal of the tree will create improved growing conditions for the suppressed tree(s) to thrive.
- h. The tree or structural tree part is causing damage to an existing infrastructure (including foundation or eaves) of a residence, commercial, or accessory structure
- i. The tree has, or will imminently, interfere with utility services where such interference cannot be controlled or remedied through reasonable modification, relocation or repair of the utility service or the pruning of the root or branch structure of the tree; or where removal or pruning is required by a public utility to comply with California Public Utility Commission (CPUC) or Federal Energy Regulatory Commission (FERC) rules or regulations.
- j. The removal of the tree is necessary to repair a geologic hazard.

~~**Sensitive Habitats.** The removal of Protected Trees and Protected Indigenous Trees within sensitive habitats, shall not be permitted.~~

~~Remedial treatments or corrective practices that would facilitate saving the tree are not feasible as determined by the Community Development Director or deciding bodThe tree is dead or severely diseased, as determined by the arborist report;~~

~~Tree is a Hazard Tree or otherwise a public nuisance which cannot be corrected through remedial measures.~~

~~The tree is suppressing or is suppressed by the growth and development of an adjacent protected tree of higher value and removal of the tree will create improved growing conditions for the suppressed tree(s) to thrive.~~

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<sup>2</sup> If a project design complies with all objective standards applicable to the development of the property but would result in removal of more than 50% of the tree canopy, the project applicant must demonstrate that the loss of tree canopy has been minimized to the fullest feasible extent, and that a design that preserves more than 50% of the tree canopy would result in a structure inconsistent with the prevailing pattern of development in the vicinity. A project may not be found to minimize tree canopy to the fullest feasible extent if tree removals result from inclusion of new impermeable surfaces, swimming pools, or any accessory structures other than required covered parking or Accessory Dwelling Units where permitted.

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~~The tree or structural tree part is causing damage to an existing infrastructure (including foundation or eaves) of a residence, commercial, or accessory structure~~

~~The tree removal will not have adverse effects on erosion, soil retention, water retention, and diversion or increased flow of surface water.~~

~~The tree has, or will imminently, interfere with utility services where such interference cannot be controlled or remedied through reasonable modification, relocation or repair of the utility service or the pruning of the root or branch structure of the tree; or where removal or pruning is required by a public utility to comply with California Public Utility Commission (CPUC) or Federal Energy Regulatory Commission (FERC) rules or regulations.~~

~~The removal of the tree is necessary to repair a geologic hazard.~~

~~The tree proposed for removal is not sensitive habitat as defined in the County's General Plan, Local Coastal Program, or Habitat Conservation Plans.~~

### Additional Required Findings with Development:

~~The removal proposal includes a tree replacement planting proposal that conforms to the replanting requirements of this ordinance.~~

~~There is no alternative building site for or configuration of a house, commercial structure, parking lot, driveway, or accessory dwelling unit that enables preservation of the tree. The applicant has maximized redesign opportunities to avoid or minimize tree removal, and trees and other vegetative land cover are proposed for removal only where necessary for the construction of structures or necessary paved areas.~~

~~In the case of Single-Family development, the retention of the tree restricts the economic enjoyment of the property, such that the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent, or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Community Development Director or deciding body that there are no reasonable alternatives to preserve the tree.~~

~~No more than 50% of the property's tree canopy would be lost.~~

### **SECTION 99.012. REQUIRED REPLACEMENT PLANTING**

- ~~1. A Number and Species of Replacement Tree(s) Required. All Approved Protected Tree Removal Permits shall require the planting of one or more replacement trees as a condition of approval, consistent with the following standards:- ~~In cases where replacing the tree(s) is inappropriate due to existing tree canopy or site restrictions, in-lieu replacement fees will be required (Table 3.2).~~ Replacement shall occur consistent with the following:~~

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- a. One (1) or more replacement trees, shall be planted on the subject private property. The number of replacement trees ~~required~~needed shall be as prescribed ~~are outlined~~ in Table 43.1 Tree Replacement Standard.

Table 43.1 - Tree Replacement Standard		
Canopy Size of Removed Tree <sup>1</sup>	Replacement Requirement	Replacement Requirement with Development
Up to 25 feet	One 15-gallon tree (1.5-inch caliper)	One 24-inch box tree (2-inch caliper )
25 feet to 40 feet	Two 15-gallon trees (1.5-inch caliper )	Two 24-inch box trees (2-inch caliper )
More than 40 feet	Three 24-inch box trees (2-inch caliper); or Two 36-inch box trees (2.5-inch caliper )	Three 24-inch box trees (2-inch caliper ); or Two 36-inch box trees (2.5-inch caliper )

Notes:

1. ~~For To measure~~ an asymmetrical tree canopy, the widest measurement shall be used to determine canopy size.
  - b. The Replacement Tree(s) shall be a species selected from the County's Protected Tree Replacement Species List, suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy, and other relevant factors
  - c. Removed Protected Indigenous trees shall be replaced with the same species unless the ~~Community Development Director~~Director of Planning and Building determines that another indigenous or other tree species is more appropriate. Considerations for non-indigenous tree replacement shall include the site's carrying capacity for additional trees, risk of known or potential future pest and disease threats, an indigenous replacement tree that would threaten the health and safety of the property owner or immediate neighbors. If the tree removed is infested or diseased, then trees not susceptible to the disease or pest should be planted.
  - d. Trees listed in Section 99,013: Expedited Tree Removal Permit Requirements, may not be planted as replacement plantings anywhere in the County.
2. Replacement Tree Planting and Maintenance Requirements. Replacement trees shall be planted in a manner consistent with the ANSI A300 (Part 6): Planting and Transplanting standard, as is applicable. The subject property owner shall pay the cost of purchasing, planting, and maintaining the required replacement trees, which shall be consistent with the following specifications:
  - a. ~~If any replacement tree dies or is removed at any time, the landowner shall replace the lost tree(s) their expense.~~ All replacement trees shall be maintained for a period of three (3) years, unless otherwise prescribed as described in the arborist report and tree removal permit conditions. If any replacement tree dies

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or is removed at any time, the landowner shall replace the lost tree(s) at their own expense. The maintenance period will be automatically extended for a period of ~~two-three~~ (23) additional years for any replacement trees that are replaced due to death or unauthorized removal.

- b. Where no existing water system is available on the parcel, supplemental watering such as water imported by tank, tree watering bags, or saplings planted with biodegradable watering reservoirs, will be required to ensure tree survival.
  - c. Postponing the planting of replacement trees can be approved by the ~~Community Development Director~~ Director of Planning and Building or designee, if such postponement does not exceed 9 months, and would increase the survival rate of the replacement tree(s).
3. Fees In-lieu of Replanting. In cases where replacing the tree(s) is inappropriate due to existing tree canopy or site restrictions, in-lieu replacement fees will be required. ~~(Table 4.2).~~
- a. An in-lieu payment for each tree removed and not replaced onsite, in the amount ~~set forth in Table 43.2 of \$3,345.00~~, shall be paid to the County Tree Replacement Fund, used to add or replace trees on public or private property in the vicinity of the subject property on other County-owned or private property; or to support the County's urban forestry management program.

~~In-lieu fees for replacement trees shall be in the amount as follows:~~

~~2.—Replacement trees shall be planted in a manner consistent with the ANSI A300 (Part 6) Planting and Transplanting standard, as is applicable. The subject property owner shall pay the cost of purchasing, planting, and maintaining the required replacement trees which shall be consistent with the following specifications:~~

- ~~a.—If any replacement tree dies or is removed at any time, the landowner shall replace the lost tree(s) at their expense. All replacement trees shall be maintained as described in the arborist report and tree removal permit. The maintenance period will be automatically extended for a period of two (2) additional years for any replacement trees that are replaced due to death or unauthorized removal.~~
- ~~b.—Where no existing water system is available on the parcel, supplemental watering such as water imported by tank, tree watering bags, or saplings planted with biodegradable watering reservoirs, will be required to ensure tree survival.~~
- ~~c.—Postponing the planting of replacement trees can be approved by the Community Development Director or designee, if such postponement does not exceed 9 months, and would increase the survival rate of the replacement tree.~~

### SECTION 99.013. EXPEDITED TREE REMOVAL PERMIT REQUIREMENTS:

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~~An Expedited Tree Removal permit may be obtained instead of a Protected Tree Removal Permit pursuant to this section.~~

~~Any person desiring to remove, destroy, or relocate one or more of the trees listed in this section and meeting criteria of Section 99,005: Protected Trees, whether on public or private property, must obtain an expedited tree removal permit.~~

~~1. An Expedited Tree Removal Permit may be granted to remove the following trees for which expedited approval may be granted include:~~

~~r. *Acacia* spp.~~

~~s. Agricultural fruit or nut trees.~~

~~t. *Ailanthus altissima* (tree of heaven)~~

~~u. *Cupressus sempervirens* (Italian cypress)~~

~~v. *Eucalyptus* spp.~~

~~w. *Hesperocyparis macrocarpa* (Monterey cypress) outside of the Coastal Zone~~

~~x. *Ligustrum lucidum* (privet)~~

~~y. *Liquidambar styraciflua* (sweetgum)~~

~~z. *Northolithocarpus densiflorus* (tanoak)~~

~~aa. *Magnolia* spp.~~

~~bb. *Myoporum laetum* (Ngaio tree)~~

~~cc. *Olea* spp. (olive)~~

~~dd. *Pinus* spp. (pine)~~

~~ee. *Pyrus calleryana* (ornamental flowering pear)~~

~~ff. *Schinus* spp. (pepper tree)~~

~~gg. *Umbellularia californica* (bay laurel)~~

~~hh. All palms excluding *Phoenix canariensis* (Canary Island date palm)~~

~~A maximum of three trees within a one-year period may be authorized for expedited removal on a parcel, excluding dead trees which have no limit. Removal of more than three trees in a one-year period requires a Protected Tree Removal permit.~~



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- ~~2. Application for Expedited Tree Removal Permit. Applications for expedited tree removal permits shall include the following:
  - ~~a. A completed tree removal application form provided by the Planning Department, signed by the property owner.~~
  - ~~b. Photographs of the tree(s) from multiple aspects and distances adequate to determine species and size.~~
  - ~~c. Supplemental documentation as determined by the Community Development Director.~~
  - ~~d. A fee as adopted by the Board of Supervisors.~~~~
- ~~3. Action on Permit. Upon receipt of an an Expedited Tree Removal Permit application, staff will review it to determine if the information required to take action is included, and inform the applicant if additional information is required. The Community Development Director will consider and take action on the complete application; no without public notice or public hearing is required. The Community Development Director's decision on expedited permits is final and is not appealable.~~
- ~~4. Replacement Replanting. Unless inappropriate due to existing tree canopy or site restrictions, permit approval shall be conditioned to require the planting of one or more replacement trees of a species selected from the County's Protected Tree Replacement Species List~~
- ~~5. Permit Expiration. If no action on the approved permit is taken within a period of one year from the date of approval, the permit shall be considered void.~~

### **SECTION 99.014. TREE PLAN REQUIREMENTS WITH DEVELOPMENT APPLICATION.**

- ~~1. Applicants seeking Planning or Building permits as part of a development application (including but not limited to Use, Design Review, Grading or Demolition permits) shall also submit an Existing Tree Plan and a Tree Protection Plan, where proposed construction has the potential to impact protected tree(s). These plans must be consistent with a site survey (if said survey is required by the associated Planning or Building Permit and was prepared by a licensed Surveyor or registered Civil Engineer), drawn to scale, and prepared by a certified arborist to assess tree impacts associated with proposed demolition or development. Both plans will establish tree protection measures for demolition or development that must be implemented throughout the duration of the proposed project. ~~when activity would occur within the dripline or TPZ tree protection zone of a protected tree. Specific information and best practices to be implemented in each plan can be found in the companion document to this ordinance.~~~~
- ~~1.2. Any damage to a protected tree shall require the immediate attention of a certified arborist to determine the extent of the damage and to determine if replacement trees will be required.~~

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~~2.3.~~ -In instances where development is proposed in the tree protection zone of protected tree(s) to be preserved, the Existing Tree Plan and Tree Protection Plan shall be reviewed by the ~~Community Development Director~~Director of Planning and Building ~~who~~ shall make a field visit to the property and indicate in writing which trees are recommended for preservation. The review will be conducted using the Review Criteria (Section 99,010: Processing of Protected Tree Permits). These plans shall be included for the new property development applications, and made part of the staff report to the ~~Community Development Director~~Director of Planning and Building ~~or deciding body~~ for its consideration.

### **SECTION 99,015. CONDITIONS OF APPROVAL.**

In granting any permit as provided herein, the ~~Community Development Director~~Director of Planning and Building may attach reasonable conditions to ensure compliance with the intent and purpose of this ordinance including, but not limited to:

1. Use of measures to effect erosion control, soil and water retention and diversion or control of increased flow of surface waters.
2. Use of measures to ensure that the contemplated action will not have adverse environmental effects relating to sensitive habitats, ~~or~~ protected wildlife, shade, noise buffers, ~~protection from~~ wind protection, air pollution, and historic features.
3. Other conditions as necessary to implement the provisions of this ordinance, including Replacement Planting per Section 99,012: Required Replacement Planting.
4. The tree removal will not have adverse effects on erosion, soil retention, water retention, and diversion or increased flow of surface water.
5. The tree proposed for removal is not in a sensitive habitat as defined in the County's General Plan, Local Coastal Program, or Habitat Conservation Plans.

### **SECTION 99,016. EXPIRATION OF PERMIT.**

-If work authorized by an approved Protected Tree Removal or Pruning Permit or an Expedited Tree Removal Permit is not commenced within a period of one (1) year from the date of approval, the permit shall be considered void. If the permit requires an extension, a written request and payment of permit extension fees may be submitted to the Community Development-Director of Planning and Building. If a permit granted under this ordinance is processed concurrently with another planning permit that has a later expiration date, the later expiration date may apply, including any extension granted for other permits.- If the permit requires an exemption, a written request and payment of permit extension fees may be submitted to the Community Development Director.

### **SECTION 99,017. APPEALS.**

The applicant or any other person who is aggrieved by the permit decision ~~or by any action taken~~ by the ~~Community Development~~ Director of Planning and Building as authorized by this ordinance, may appeal in the manner set forth below. Expedited Tree Removal

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Permits and Protected Tree Pruning Permits issued pursuant to this ~~ordinance~~chapter may not be appealed. A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision.

1. ~~The permit decision~~ ~~Any action under this ordinance taken~~ by the ~~Community Development Director~~Director of Planning and Building may be appealed to the Planning Commission by filing a written notice of appeal with the ~~Planning and Building~~ Department ~~and paying an appeal fee as set by the Board of Supervisors~~ within ten (10) business days of the issuance or denial of the subject permit. The Planning Commission shall hear such appeal in a timely manner. The Planning Commission shall render a decision on the appeal within fifteen (15) calendar days of ~~the~~ public hearing. ~~The action taken by the Planning Commission shall be reported to the affected parties.~~ ~~Community Development Director shall notify the affected parties of said action as provided for in Section 99,010: Processing of Protected Tree Permits.~~
2. ~~The appeal decision~~ ~~Any action under this ordinance taken~~ by the Planning Commission may be appealed to the Board of Supervisors by filing a written notice of appeal with the ~~Planning and Building~~ Department ~~and paying an appeal fee as set by the Board of Supervisors~~ within (10) business days from the decision of the Planning Commission. The Board of Supervisors shall hear such appeal in a timely manner and render a decision within fifteen (15) calendar days following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties.

### **SECTION 99,018. PERMIT REQUIREMENTS POSTING DURING TREE REMOVAL.**

The approved ~~Protected~~ Tree Removal ~~Permit, or Protected Tree~~ Pruning Permit ~~or Expedited Tree Removal Permit~~ shall be posted on the site at all times immediately prior to and during the tree removal or pruning operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street. The posted permit shall be removed once the approved tree removal or pruning has been completed.

### **SECTION 99,019. PERMISSION TO ENTER PROPOSED PERMIT AREA.**

Filing of an application for any permits required by this ordinance shall constitute a grant of permission for County personnel concerned with administering this ordinance to enter the subject permit area during normal working hours from the date of application to the completion of any approved action for the purpose of inspecting said area for compliance with these rules and applicable law. Such right of entry shall be granted by the landowner through the duration of ~~any requirements to the required three (3) year maintenance period of the replacement tree.~~ ~~maintain replacement trees as conditions to the permit.~~

### **SECTION 99,020. INSPECTION.**

~~The Planning and Building Department may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this part and the requirements of any applicable law. Upon completion of any inspection, the applicant shall be given a written notice of any violations observed at the time of inspection for correction thereof.~~

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## CHAPTER 5. EMERGENCIES

### SECTION 99,021. EMERGENCIES.

Pursuant to this section the ~~Community Development Director~~Director of Planning and Building determines when an emergency exists, based on information provided by the property owner or applicant. A protected tree may be removed or severely pruned without a prior permit where it presents an imminent danger to life, property, utilities, or essential transportation systems, or a tree risk rating of High or Extreme is present, as calculated by an ISA Tree Risk Assessment Qualified Arborist (TRAQ), ~~of High or Extreme is present~~. In such event, the property owner or applicant shall be responsible for the following:

1. Notify the ~~Community Development Director~~Director of Planning and Building during business hours, or the County Sheriff's Department if after business hours, ~~and request authorization~~ of the proposed emergency action, including removal or severe pruning, based on the tree risk assessment of a TRAQ certified arborist.
2. Documentation: Photo documentation shall be taken of the subject tree and emergency situation if it is safe to do so. No later than 72 hours after the emergency action has been taken, the property owner shall submit photo documentation and written verification prepared by a TRAQ-certified arborist to the ~~Community Development Director~~Director of Planning and Building confirming the emergency condition and describing the action taken. Insurance claim and other relevant information shall be included.

If documentation is not submitted, or the ~~Community Development Director~~Director of Planning and Building determines that the condition was not reasonably determined to have been an emergency requiring immediate action, the tree removal ~~will~~may be treated as a violation of this ordinance.

3. Replacement trees, in accordance with Section 99,012: Required Replacement Planting of this ordinance, ~~and processing fees~~, shall be required.

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## CHAPTER 6. HERITAGE TREE DESIGNATION

### SECTION 99.022. APPLICATION AND DESIGNATION OF HERITAGE TREES.

Upon nomination by any person and with the written consent of the property owner(s), the Board of Supervisors may designate a tree or trees as Heritage Tree(s). Plants listed by the California Invasive Plant Council as Invasive Species are not eligible for designation.

1. Application for Designation of Heritage Tree(s). Applications for Heritage Tree designation shall include the following:
  - a. A completed Heritage Tree Designation form provided by the ~~Planning~~ Department, signed by the property owner.
  - b. Photographs of the tree(s) from multiple aspects and distances.
  - c. Documentation supporting the findings for designation.
  - d. Any other pertinent information the ~~Community Development Director~~Director of Planning and Building may require.
  - e. A fee as adopted by the Board of Supervisors.

Upon receipt of a complete application, the ~~Community Development Director~~Director of Planning and Building may inspect the tree. The ~~Community Development Director~~Director of Planning and Building shall notice the surrounding property owners within 300 feet of the lot containing the tree that is subject of the application and interested parties.

~~Upon receipt of the complete application, the Community Development Director shall review the application and, if necessary, inspect the site.~~

2. Action on Designation. Action on Heritage Tree designation shall be made by the Board of Supervisors. A tree may be designated upon a finding that it is unique and of importance to the community due to any of the following factors:
  - a. It is an outstanding specimen of a desirable species.
  - b. It is one of the largest or oldest trees in ~~the~~ unincorporated San Mateo County.
  - c. It possesses ~~distinctive-exceptional and unique~~ form, size, age, horticultural, aesthetic, biological, cultural, location, and/or historical significance.
  - d. It meets the definition of Heritage Tree consistent with Section 99.002 in that it possesses exceptional and unique size, age, horticultural significance, aesthetic,

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biological, cultural, or historic value, and is irreplaceable and expected to have a continuing contribution to the community.

After Board of Supervisors approval of a Heritage Tree designation, the ~~Community Development Director~~Director of Planning and Building shall notify the property owner(s) of the designation in writing. A listing of trees designated as Heritage, including the specific locations, shall be kept by the ~~Planning and Building~~ Department. Once designated, a Heritage Tree shall be considered protected and subject to the provisions of this ordinance.

3. Deed Restriction and Covenant. Following Board of Supervisors approval, the issuance of the designation shall be complete and in effect upon recordation of a deed restriction and covenant.
4. Removal of Designation. A Heritage Tree(s) may have the designation removed if the tree(s) die or are removed pursuant to this ordinance, based upon a finding that it is appropriate and necessary to delist including lack of structural capacity, declining vigor, disease causing mortality, death, or hazard as determined by the County Arborist. The County shall record a document extinguishing the covenant.

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## CHAPTER 7. VIOLATIONS

### SECTION 99.023. CEASE AND DESIST; REMEDIATION OF UNLAWFUL TREE REMOVAL.

If the ~~Building Official or Community Development Director~~Director of Planning and Building, Building Official, or their designated representative, any Code Compliance Officer, ~~or~~ officer of the San Mateo County Sheriff's Department, or any other peace officer find any tree pruning or removal activity for which a permit under this ordinance is required but not issued, or the tree pruning or removal is not in substantial compliance with an issued permit or the plans and specifications relating thereto, an order to cease work shall be issued.

No further grading, construction, tree ~~pruning~~pruning, or removal may be done except upon approval of the ~~Community Development Director~~Director of Planning and Building. Conditions may be imposed as necessary to protect the health, safety, and welfare of the public, including the condition that corrective work be done within a designated time in accordance with the provisions of this ordinance, or as may be provided by law in Division VI (Zoning Regulations), San Mateo County Ordinance Code.

In the event the ~~Community Development Director~~Director of Planning and Building determines that one or more protected trees have been removed, effectively removed, or pruned, without the required permit or permits, the following additional requirements shall be imposed:

1. -In the case of a violation during development of a property:
  - a. A stop work notice may be issued on all construction of any kind on the property to remain in effect until the remaining requirements of this section are satisfied.
  - b. The owner of the affected property, or their representative, shall be required to submit a mitigation plan for review and approval by the ~~Community Development Director~~Director of Planning and Building. The mitigation plan shall include:
    - (1) New or revised arborist report for the damaged and/or affected tree(s)
    - (2) Measures for protection of any remaining trees on the property.
    - (3) Replacement plan for each tree removed or effectively removed
    - (4) Size, quantity, and species of replacement tree(s) shall be at the discretion of the ~~Community Development Director of~~ Planning and Building ~~Department~~ and shall be commensurate with the size and species of tree(s) removed.
    - (5) Replacement shall occur on the subject parcel or at a location approved by the Director of Planning and Building ~~Department~~.



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- c. The stop work notice shall remain in effect, and no construction shall be allowed on the affected property, until such time as the ~~Community Development Director~~Director of Planning and Building has determined that the above described mitigation plan has been approved and fully implemented, up to and including (1) installation of all replacement planting, (2) the payment of all fees cited below under Section 99,024: Penalties for Infraction, (3) the submittal of a non-revocable bond, made payable to the County of San Mateo, for the long-term maintenance of the replacement tree(s), if required by the ~~Community Development Director~~Director of Planning and Building.
2. If a violation of this ~~O~~rdinance occurs in the absence of development or while an application for a building permit or discretionary development approval is pending:
- a. The ~~Community Development Director~~Director of Planning and Building may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the County an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure that measures are incorporated into any future development approvals for the property.
  - b. A Mitigation Plan as described above, shall be submitted by the property owner and reviewed by the Director of Planning and Building ~~Department~~.
  - c. The moratorium shall remain in effect, and no construction shall be allowed on the affected property, until such time as the ~~Community Development Director~~Director of Planning and Building has determined that the above described mitigation plan has been approved and fully implemented, up to and including (1) installation of all replacement planting, (2) the payment of all fees cited below under Section 99,024: Penalties for Infraction, (3) the submittal of a non-revocable bond, made payable to the County of San Mateo, for the long-term maintenance of the replacement tree(s), if required by the ~~Community Development Director~~Director of Planning and Building.

### **SECTION 99,024. PENALTIES FOR INFRACTION.**

Any person who violates the provisions of this ordinance, including property owners and persons performing tree removal or pruning activities, shall be subject to a penalty fine, as follows:

Table <del>7</del> <u>4</u> .1: Penalties for Infraction	
Incidence of Violation	<del>Size of Tree</del> <u>Cumulative inches of DSH removal</u>

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	<del>DBH-DSH 12.1" -18"</del> <u>12"-24"</u>	<del>DBH-DSH 18.1"</del> <u>24"25"-48"</u>	<del>DBH-DSH &gt;24"48"</del>
First violation	\$1,500	\$4,500	7,500
Second violation	\$4,500	\$10,500	\$18,000
Third violation	\$7,500	\$15,000	\$22,500

The above cited fines shall be served on the record owner of the subject property. Additionally, the above cited fines may be served on the person(s) performing the tree removal or pruning, if different than the owner of record. For the purposes of this Section, each single tree being cut without ~~f~~a permit shall constitute a separate infraction, and the resulting fine shall be cumulative. The ~~Community Development Director~~Director of Planning and Building may reduce the fines only under extraordinary circumstances where the required fine would be excessive.

### **SECTION 99,025. CUMULATIVE REMEDIES.**

The remedies for violations set forth in this Chapter can be enforced separately or cumulatively. These remedies shall be in addition to any other remedies available at law or equity. Nothing in this chapter shall prevent the County from using one or more other remedies to address violations, whether those remedies are administrative, civil or criminal."

### **SECTION 99,026. RECORDATION OF NOTICE OF VIOLATION.**

A notice of violation may be recorded in the Office of the County Recorder for non-compliance with the provisions of this ordinance. The ~~Community Development Director~~Director of Planning and Building shall notify, by certified mail, the owner of the affected real property and any other known party responsible for the violation of the recordation. If the property owner or other responsible party disagrees with the County's determination that the tree removal violates this ordinance, proof may be submitted to the ~~Community Development Director~~Director of Planning and Building, including documentation in an arborist report that a Protected Tree Removal or Protected Tree Pruning Permit is not required. If the ~~Community Development Director~~Director of Planning and Building determines that a tree removal or pruning permit is required, the property owner and/or party responsible for the tree cutting work shall apply for the necessary tree removal or pruning permit within a specified period set by the ~~Community Development Director~~Director of Planning and Building.

### **SECTION 99,027. NOTICE OF EXPUNGEMENT.**

A notice of expungement of the notice of violation shall be recorded with the Office of the County Recorder when or more of the following conditions are met:

1. The ~~Community Development Director~~Director of Planning and Building determines that a Protected Tree Removal Permit or Protected Tree Pruning Permit is not required; or

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2. All permit conditions have been met including those conditions imposed as part of project review under any other provisions of the San Mateo County Ordinance Code for the parcel affected by the notice of violation.
3. All fines have been paid and mitigation measures required under this ordinance have been implemented.

The meeting of any long-term conditions, such as maintenance of replacement plantings, may be guaranteed by a surety deposit to run with the land, and the term for which shall not be imposed as a demand for meeting expungement requirements.

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