



# NORTH FAIR OAKS COMMUNITY COUNCIL

---

JANUARY 17, 2019 STUDY SESSION

## ITEM 2

Author: ..... **San Mateo County Planning and Building**

File Number: .... **PLN2018-00436**

Location: ..... **Unincorporated San Mateo County – Urbanized Areas**

Project Description: **Proposed Protected Tree Ordinance to replace the Significant and Heritage Tree Ordinances.**



# Tree Ordinances Update Project

---

## PRESENTATION SUMMARY

- |         |  |
|---------|--|
| 20 Min. | Presentation of Staff to Council Members |
| 20 Min. | Questions                                |
| 10 Min. | Final Comments and Recommendations       |
|         | Close & Thank you                        |



## Steering Committee Goal

---

Collaborate with County staff by providing input and guidance that helps shape amendments to the County's ordinances governing tree protection and removal in urbanized areas, in a manner consistent with the County's General Plan.



## Summary of Meetings

---

- September 29, 2016 - Project Scope
- November 17, 2016 – Geographic Policies, Trees and Development, Indigenous Tree Protection, Pruning
- January 26, 2017 - Exotic Trees, Rural Lands
- March 23, 2017 – Defensible Space, Arborist Reports
- May 25, 2017 – Replacement Planting, Off-site Replacement and In Lieu Fees
- July 28, 2017 - Summary of Findings Sent to Steering Committee
- April 30, 2018, Review and Comments on Draft Ordinance
- September 26, 2018, Review of Working Draft; Final Steering Committee Meeting





# Current Tree Removal Regulations

---

## **SIGNIFICANT TREE ORDINANCE** (1977, replaced in 1990)

- Requires authorization to remove 12-inch diameter and larger trees; One of several findings for authorization, including replanting

## **HERITAGE TREE ORDINANCE** (Originally Adopted in 1977)

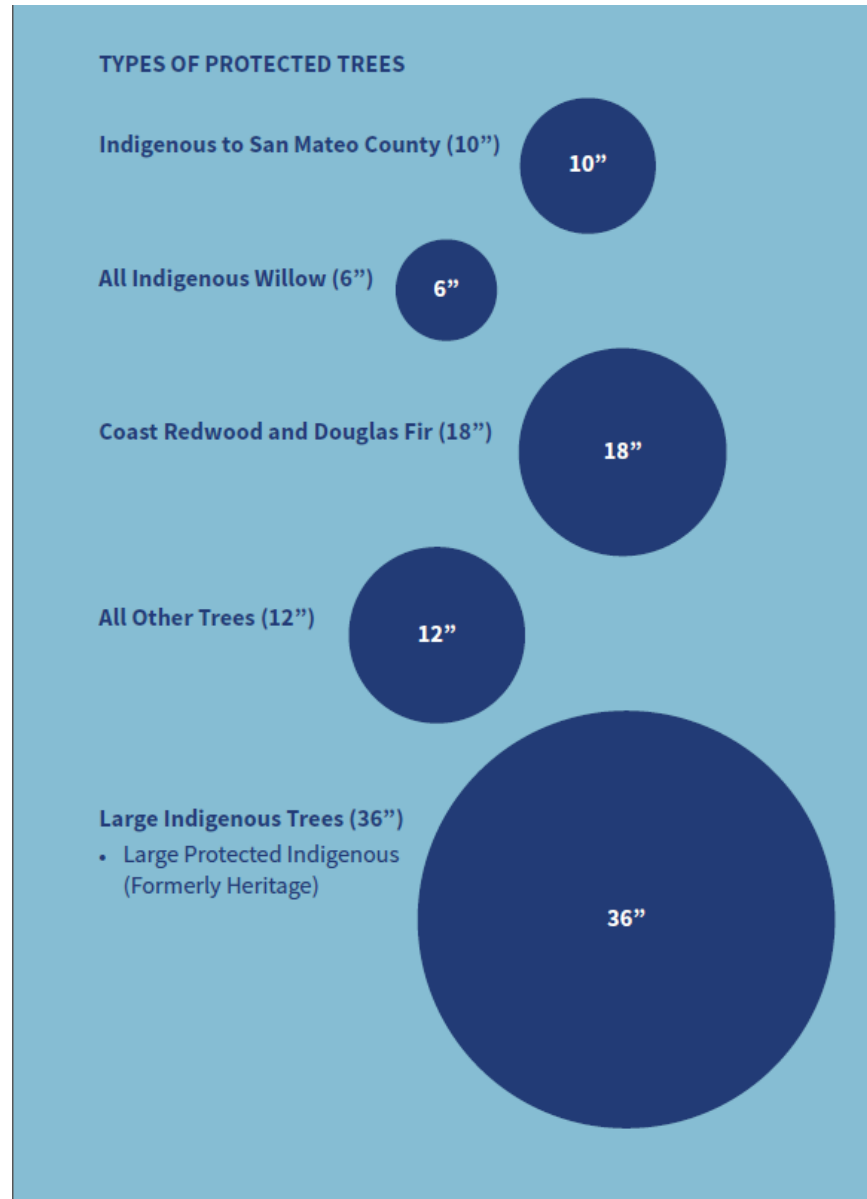
- Requires authorization to remove certain indigenous trees by specified size (redundant with Significant Tree Ordinance); Similar Findings

## **2016 AMENDMENTS** (Significant and Heritage Tree Ordinances)

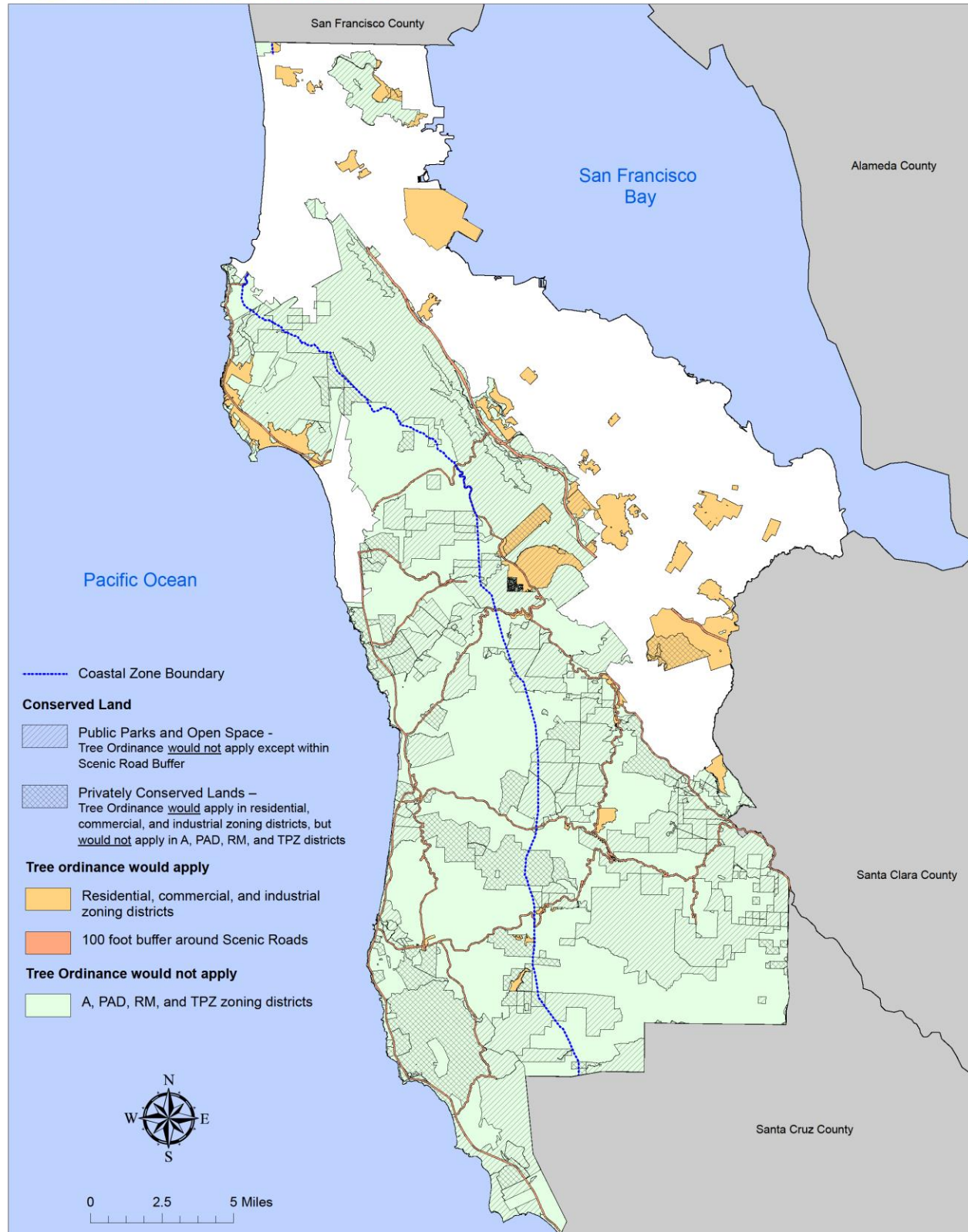
- Requirements for Arborist Reports, Tree Protection Plans, Increased Fines for Unauthorized Removal Added to both Ordinances



## What to Protect?



- Retain Significant Tree (12-inch) protection level, except for certain exotic trees
- Prioritize Indigenous Trees; Increase Their Protection
- Revise Heritage Tree Protections as Large Indigenous Trees: Maintain or Increase Protection Level
- Create new Heritage Tree Nomination Process



## What to Protect?

- Urbanized Areas
- Scenic Corridors
- Urban Coastal RM/PAD lands
- Within 100 feet of Authorized Structures (RM/PAD/TPZ)



# What to Protect?

## Over the Counter Permits

- Restricted to 3 trees per year, 10 trees over a five year period, exceeding these limits requires a standard Protected Tree Removal Permit
- Most are on CNPS Weed Tree List
- Subject to Replanting Requirements
- All Dead Trees Qualify for OTC Permit
- Not Appealable by the Public



*Acacia baileyana*



*Ailanthus altissima*



*Eucalyptus globulus*



*Myoporum laetum*





# Application Requirements

---

## Arborist Reports and Credentials

- 2016 Amendments added requirement for Arborist Report and Tree Protection Plan – Development Only
- Clarified content requirements – based on ISA Standards
- More Extensive Requirements for Development-related Removals
- ISA Tree Risk Assessment Process for Hazardous Trees
- Arborist Supervision During Construction
- ISA or ASCA Certification; TRAQ for Hazard Trees



# Trees and Development

- Increases and Clarifies Protection of Trees to Remain on Development Sites
- Retains All Requirements from 2016 Amendments
- Post Construction and 5-year Post Construction Assessments





# Replacement Planting Requirements

- Current Policies Require Different Replanting in Different Areas of the County
- Replacement Standard Based on Available Scientific and Professional Journal Articles
- Specific Rootball to Caliper Ratio; Smaller Trees Transplant Better
- Greater Replacement with Construction
- Replace Indigenous with Same Species

**Table 3.1 - Tree Replacement Standard**

Canopy Size of Removed Tree <sup>1</sup>	Category 1 <sup>2,3</sup> Replacement Requirement	Category 2 Replacement Requirement with Construction <sup>3</sup>
Up to 25 feet	One 15-gallon tree (1.5-inch caliper maximum)	One 24-inch box tree (2-inch caliper maximum)
More than 25 feet to 40 feet	Two 15-gallon trees (1.5-inch caliper maximum)	Two 24-inch box trees (2-inch caliper maximum)
More than 40 feet	Three 24-inch box trees (2-inch caliper maximum); or Two 36 inch box trees (2.5-inch caliper maximum)	Three 24-inch box trees (2-inch caliper maximum); or Two 36 inch box trees (2.5-inch caliper maximum)



# Review Criteria and Findings

---

- **New Review Criteria Section: Removal With and Without Development**
- **Without Development: Arborist Report, Tree Health, Longevity, Remedial Measures, Hazard, Replanting, Habitat Value, Overall Site Conditions**
- **With Development: Same as Without, Plus Design Alternatives, Maximum 25% Reduction in Development Potential, Greater than 25% Encroachment of Allowable Development, Competing Public Policy Objectives**

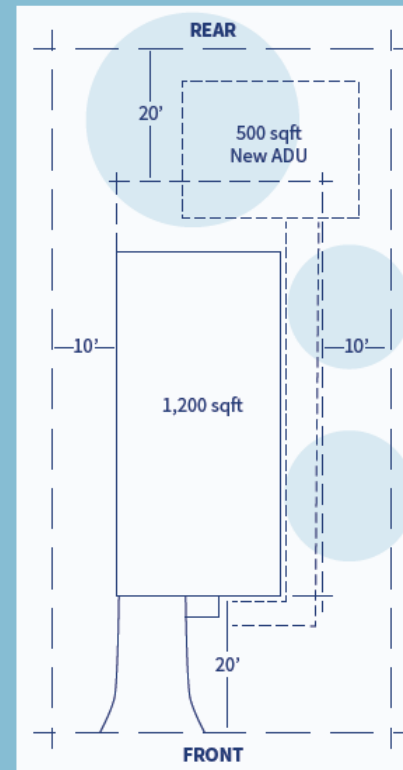
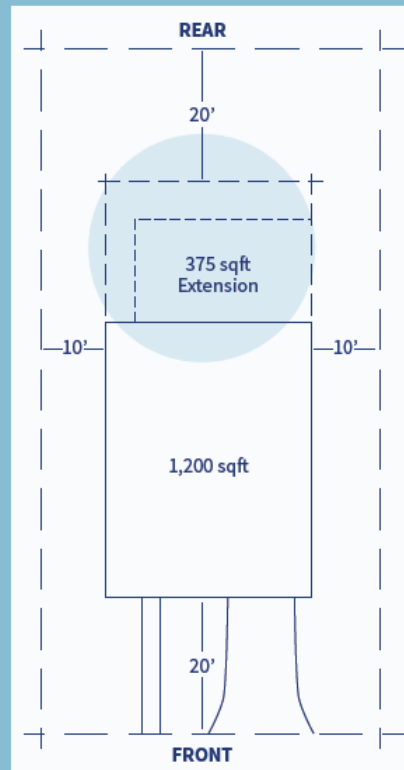




# Review Criteria and Findings

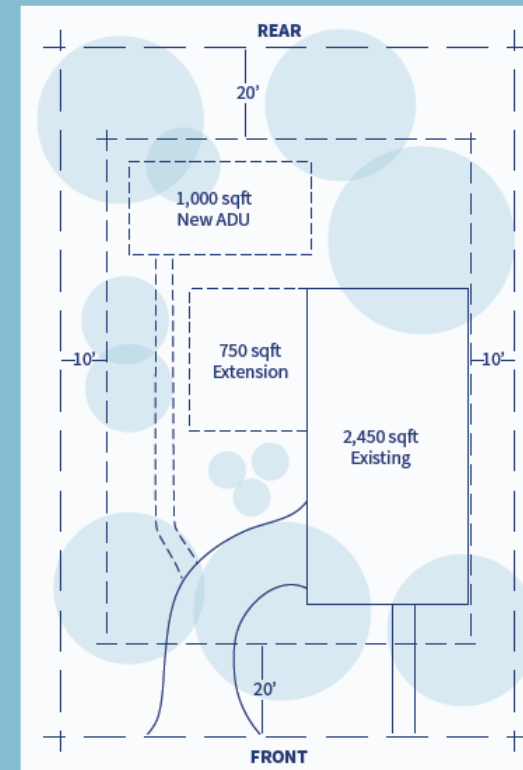
## 5,000 SQUARE FOOT LOT

- Building Site Area = 5,000 sqft
- Maximum Floor area:  $.26$  (Building Site area - 5,000)  $\geq 2,600$  sqft
- Building Site Coverage:  $.50$  (50%)
- Includes:
  - Building
  - Accessory Building
  - Patio, Decks, Porch (over 18" off ground)



## 15,000 SQUARE FOOT LOT

- Building Site Area = 15,000 sqft
- Maximum Floor Area:  $.30$  (Building Site Area) = 4,500 sqft
- Building Site Coverage:  $.30$  (30%)
- Includes:
  - Building
  - Accessory Building
  - Patio, Decks, Porch (over 18" off ground)





## Fines, Appraisals and Fees

---

- Fines for unauthorized tree removal remain unchanged; effectively raised for Large Indigenous Trees
- Added Optional Appraisal Requirement and Bonding for Trees Impacted by Construction
- Added In Lieu Fee Option for Sites Where Planting Replacement Trees are Infeasible





# Other Permit Criteria

- **Migratory Bird Treaty Protections, Nesting Season February 1 through August 15:**
- **Landscaping beneath Indigenous Trees**
- **County Departments and PG&E Exemptions**
- **Tree Removal Practices**
- **Updated Criteria for Emergencies**





## Next Steps

---

- Community Outreach (December 2018 – February 2019)
- Revise Ordinance to Incorporate Feedback (February-March 2019)
- Possible Planning Commission Workshop (March 2019)
- Present Revised Ordinance to Community Councils ( April 2019)
- CEQA Document Publication and Comment Period (May 2019)
- Planning Commission Hearing (June 2019)
- Board of Supervisors (July 2019)





# Public Workshop

---

**Thank You!**

**Questions?**

**Project Website: <https://planning.smcgov.org/tree-ordinances-update-project>**

**Joe LaClair, Planning Manager [jlaclair@smcgov.org](mailto:jlaclair@smcgov.org) 650-363-1865**

**Mike Schaller, Senior Planner [mschaller@smcgov.org](mailto:mschaller@smcgov.org) 650-363-1849**

**Dan Krug, County Arborist [dkrug@smcgov.org](mailto:dkrug@smcgov.org) 650-363-1864**