



## Town of Los Gatos - Parks & Public Works Department

# TREE REMOVAL AND PRUNING PERMIT

## *Frequently Asked Questions*

### **When do I need to apply for a tree removal or pruning permit?**

The Los Gatos Town Code requires a tree removal permit in order to remove any tree designated as a Protected Tree under the Town Code. The Town Code also requires a permit to prune more than 25% of a Protected Tree within a 3-year period, or to remove or cut any branch or root greater than 4 inches in diameter of any Large Protected Tree or Heritage Tree (see definitions below).

Property owners may be subject to significant fines and civil actions by the Town if removal or pruning requiring a permit is done without first obtaining a permit.

### **What is a Protected Tree?**

Protected Trees are defined in the Town Code as any of the following:

1. All trees which have a 12 inch or greater diameter on developed residential property.
2. All trees which have an 8 inch or greater diameter on developed Hillside residential property (see Hillside Area Map here: <http://www.losgatosca.gov/DocumentCenter/View/176>)
3. All trees of the following species which have an 8 inch or greater diameter located on any developed residential property:
  - a. Blue Oak (*Quercus douglasii*)
  - b. Black Oak (*Quercus kelloggii*)
  - c. California Buckeye (*Aesculus californica*)
  - d. Pacific Madrone (*Arbutus menziesii*)
4. All trees which have a 4 inch or greater diameter on vacant or non-residential property.
5. All trees which have a 4 inch or greater diameter when removal relates to any development review.
6. Any tree that was required to be planted or retained by the terms and conditions of a development approval, building permit, tree removal permit or code enforcement action.

### **What is a Large Protected Tree or a Heritage Tree?**

A Large Protected Tree is any tree with a diameter of 48 inches or more. In addition, all Oak, California Buckeye, and Pacific Madrone with a diameter of 24 inches or more are considered Large Protected Trees.

A Heritage Tree is a tree specifically designated by action of the Town Council which possesses exceptional aesthetic, biological, cultural, or historic value to the community.

### **How is the diameter of a tree measured?**

Diameter is measured at a height of 4.5 feet above the average natural grade. For multi-trunked trees, diameter is the sum of all trunk diameters measured at 4.5 feet above the average natural grade.

### **Are there any trees which do not require a permit for removal?**

A permit is not required for removal or major pruning of any of the following trees:

1. A fruit or nut tree less than 18 inches in diameter.
2. Any of the following trees that are less than 24 inches in diameter:
  - a. Black Acacia (*Acacia melanoxylon*)
  - b. Tulip Tree (*Liriodendron tulipifera*)
  - c. Tree of Heaven (*Ailanthus altissima*)
  - d. Blue Gum Eucalyptus (*E. globulus*)
  - e. Red Gum Eucalyptus (*E. camaldulensis*)
  - f. Other Eucalyptus (*E. spp.*)—**Hillsides only**
  - g. Palm (except Phoenix *canariensis*)
  - h. Privet (*Ligustrum lucidum*)

### **What about dangerous trees?**

A tree may be removed or severely pruned without a permit when there is an imminent danger to life, property, utilities or essential transportation facilities. Property owners are still required to notify the Town prior to any removal or pruning and must receive approval from the Town before taking any emergency action. Contact the Parks and Public Works Department at (408) 399-5770 Monday through Friday between the hours of 7:00 a.m. to 4:00 p.m. or the Police Department at (408) 354-8600 after hours or on weekends to report a dangerous tree and request approval for removal or pruning without a permit. Within 72 hours following removal or pruning, photos and a description of the emergency action taken must be submitted to the Department of Parks and Public Works.

### **What is required to apply for a removal or pruning permit?**

The following items are required to apply for a tree removal or pruning permit:

1. A completed application signed by the property owner. Applications are available online at <http://www.losgatosca.gov/DocumentCenter/View/14925> or at the Parks and Public Works Department, Monday through Friday between the hours of 8:00 a.m. and 1:00 p.m.
2. Photos and/or a site plan of the tree(s) proposed for removal or pruning (for pruning, proposed cuts should be indicated on photo).
3. A completed tree replacement worksheet (located on the reverse side of the application).
4. Inspect trees prior to removal or major pruning to confirm the absence of active bird nests, particularly during the spring/summer nesting season (February 1 through August 31).
5. If required by the Town Arborist following initial inspection, a certified or consulting arborist's written report.
6. If part of a development application, a copy of the associated tree report.
7. If structural damage to a building, major landscape feature or utilities is the basis for the request, a report from a licensed architect or engineer may be required describing what modifications to buildings, structures, improvements or utilities would be necessary to mitigate the damages caused by the tree.
8. For Large Protected Tree or Heritage Tree removal or pruning permits, notification will be sent to neighboring residents and property owners prior to issuance by the Parks and Public Works Department (more information on noticing is provided on page 4 of this FAQ).
9. Payment of a permit fees, as established by Town resolution. The current fee is \$130 for one tree, plus \$65 for each additional tree included in the same application.

**How long do I have to wait after submitting my application before I can prune or remove a tree?**

Generally, a decision is made by the Town Arborist within 10-15 business days following the submittal of a completed application and all supplemental material. If notification of adjacent property owners and residents is required, then additional time will be needed before a permit decision is rendered. Please also note that the permit must be posted on site at all times while tree removal or pruning is taking place.

**What if my application is denied? Can I appeal a decision?**

If your application is denied, the Town will issue a partial refund of your application fee. If the entire permit is denied, the refund will be 50% of the total application fee. If only a portion of the permit is denied, the refund will be \$37.50 for each tree denied (50% of the current \$65 "additional tree" fee).

Should you wish to appeal a decision of the Town Arborist to the Planning Commission, you may do so by filing an appeal not more than 10 days after the date of mailing of written notification of the Town Arborist's decision. Appeals should be submitted to the Community Development Department on a *Tree Appeal Form* available from the Community Development Department or online at <http://www.losgatosca.gov/DocumentCenter/View/14954>. An appeal fee (currently \$76) must be submitted in conjunction with the appeal.

**Am I required to plant a replacement tree?**

Yes, two or more replacement trees of a size set forth in the Town Code and of a species approved by the Town Arborist are required to be planted on site except when removal is permitted if the tree is dead or at high or extreme risk of failure. Specific replacement tree provisions are outlined on the Tree Removal Permit application. Replacement with native species is strongly encouraged. Most fruit and nut trees, palm trees, or "nuisance" species (see section 29.10.0970(2) of the Town Code) are generally not considered suitable replacement trees.

If a tree or trees cannot be reasonably replanted on the subject property, the Town Arborist may approve a full or partial in-lieu fee payment. Where the payment of in-lieu fees are approved, permits will not be issued until all in-lieu fees are paid in full.

**What about properties located in the Hillside?**

Properties located in the Hillside are subject to the following Special Hillside Provisions:

1. All protected trees located 30 feet or more from the primary residence that are removed shall be replaced with native trees listed in *Appendix A Recommended Native Trees for Hillside Areas of the Town of Los Gatos Hillside Development Standards and Guidelines* (HDS&G).
2. All protected trees located within 30 feet of the primary residence that are removed shall be replaced as follows:
  - a. If the removed tree is a native tree listed in Appendix A of the HDS&G, it shall only be replaced with a native tree listed in Appendix A of the HDS&G.

- b. If the removed tree is not listed in Appendix A, it may be replaced with a tree listed in Appendix A, or replaced with another species of tree as approved by the Town Arborist.
- c. Replacement trees listed in Appendix A may be planted anywhere; replacement trees not listed in Appendix A may only be planted within 30 feet of the primary residence.

See: <http://www.losgatosca.gov/DocumentCenter/View/176> for a map of the Hillside Areas. <http://www.losgatosca.gov/DocumentCenter/View/175> for the HDS&G including Appendix A.

### **When does my tree removal or pruning permit expire?**

Permits are valid for 90 days and replacement trees must be planted prior to permit expiration unless the removal and replacements are part of an approved development application. Verification of removal and tree replacement, including photos, must be sent to the Town prior to permit expiration. Please notify the Department of Parks and Public Works 48 hours prior to commencing work.

### **What if I witness an illegal tree removal or illegal tree pruning?**

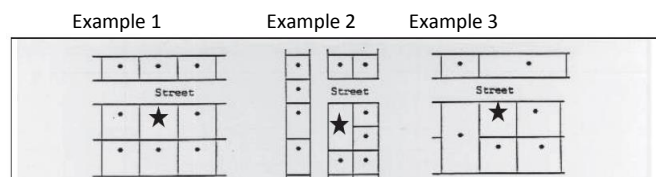
Contact the Parks and Public Works Department at (408) 399-5770 to report an illegal tree removal Monday through Friday between the hours of 7:00 a.m. to 4:00 p.m. After hours, on weekends or on Town holidays, please contact the Police Department at (408) 354-8600.

### **What if I want the street tree in front of my property pruned or removed?**

Please contact the Department of Parks and Public Works directly at [ppw@losgatosca.gov](mailto:ppw@losgatosca.gov) or (408) 399-5770 for any questions regarding street trees. The Town prunes street trees on a multi-year cycle depending on the size and species of the street trees. The Town also prunes street trees on an as-needed basis. In general, the Town only removes street trees that are dead, severely diseased, or hazardous. A property owner wishing to remove a healthy street tree would be required to submit a Tree Removal Permit application and fee and pay all costs of removal and replanting if the tree removal is approved.

### **What are the Special Noticing Provisions for Heritage and Large Protected Trees?**

For Large Protected Tree or Heritage Tree removal or pruning permits, a *Notice of Pending Issuance of Tree Removal or Pruning Permit* will be sent to neighboring residents and property owners prior to issuance. The Parks and Public Works Department will help determine the exact properties to be notified, which typically include abutting and across the street properties, as shown in the examples below:



Any interested party shall have 10 days from the date of the Notice to notify the Town of any concerns. If no concerns are received within this 10 day period, a permit will be issued.

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