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**ADOPTED****W13a****Prepared July 24, 2026 (for August 12, 2026 Hearing)**

To: Coastal Commissioners and Interested Persons

From: Stephanie Rexing, North Central Coast District Manager
Melissa Ashley, North Central Coast Coastal Planner

Subject: **San Mateo County Local Coastal Program Amendment Number LCP-2-SMC-25-0005-2 (Protected Tree Ordinance)**

SUMMARY OF STAFF RECOMMENDATION

San Mateo County is proposing to amend the Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) to modify the way that potential tree removal projects are to be processed. In doing so, the County proposes to eliminate the LCP's Significant Tree and Heritage Tree Ordinances, and replace them with a new Protected Tree Ordinance and update references throughout to reflect this change. The new Ordinance would strengthen overall tree management by expanding which trees qualify as protected, adding new pruning rules, clarifying when tree removal is allowed, creating streamlined permit pathways for certain cases, and revising standards for tree replacement.

While staff believes that the proposed update appropriately addresses most coastal resource issues related to tree removal, the update could benefit from some refinement in specific areas, particularly related to CDP requirements, emergency CDP (ECDP)/removal procedures, and CDP exemptions. Without these refinements, there is a danger that certain tree removal proposals that require CDPs/ECDPs could occur without such permits, and could lead to inadvertent (and disallowed) resource damage. As a result, staff recommends a series of relatively minor, but important, modifications to the proposed LCP amendment, where staff coordinated closely with the County in developing the modifications, and County staff are in agreement with these modifications. The result will be an improved LCP in this regard, one which ultimately better protects trees and sensitive habitats as the Coastal Act and LCP Land Use Plan requires, which are the standard of review for LUP and IP changes, respectively) in this case.

Thus, staff recommends that the Commission approve the proposed LCP amendment with the identified modifications, and the motions to implement the staff recommendation are found on **page 4** below.

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Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on October 30, 2025. The proposed amendment affects both the LCP's LUP and IP components, and the 90-working-day action deadline was January 28, 2026. On December 11, 2025, the Commission extended the action deadline to January 28, 2027. Thus, the Commission has until that time to take final action on this LCP amendment.

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EXHIBITS

Exhibit 1 – Proposed LCP Amendment

1. MOTION AND RESOLUTION

Staff recommend that the Commission, after public hearing, **approve** the LCP amendment with suggested modifications. The Commission needs to make four motions on this LCP amendment in order to act on this recommendation.

A. Deny the LUP Amendment as Submitted

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the LUP amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion to Deny the LUP Amendment: I move that the Commission certify Land Use Plan Amendment LCP-2-SMC-25-0005-2 as submitted by San Mateo County, and I recommend a **no** vote.

Resolution to Deny the LUP Amendment: The Commission hereby denies certification of Land Use Plan Amendment LCP-2-SMC-25-0005-2 as submitted by San Mateo County and adopts the findings set forth below on the grounds that the land use plan amendment as submitted does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Certify the LUP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of the motion will result in the certification of the LUP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion to Certify the LUP Amendment with Modifications: I move that the Commission certify Land Use Plan Amendment LCP-2-SMC-25-0005-2 for San Mateo County if it is modified as suggested in this staff report, and I recommend a **yes** vote.

Resolution to Certify the LUP Amendment with Modifications: The Commission hereby certifies Land Use Plan Amendment LCP-2-SMC-25-0005-2 for San Mateo County if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation

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measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Deny the IP Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the Implementation Plan Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Motion to Deny the IP Amendment: *I move that the Commission reject the Implementation Plan Amendment LCP-2-SMC-25-0005-2 as submitted by San Mateo County, and I recommend a yes vote.*

Resolution to Deny the IP Amendment: *The Commission hereby denies certification of LCP Amendment Number LCP-2-SMC-25-0005-2 as submitted by San Mateo County and adopts the findings set forth below on the grounds that the Amendment, as submitted, does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.*

D. Certify the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the Implementation Plan Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present.

Motion to Certify the IP Amendment with Modifications: *I move that the Commission certify LCP Amendment LCP-2-SMC-25-0005-2 for San Mateo County if it is modified as suggested by the staff recommendation, and I recommend a yes vote.*

Resolution to Certify the IP Amendment with Modifications: *The Commission hereby certifies LCP Amendment Number LCP-2-SMC-25-0005-2 for San Mateo County if modified as suggested and adopts the findings set forth below on the grounds that the Implementation Plan Amendment with suggested modifications conforms with, and is adequate to carry out the provisions of the Land Use Plan. Certification of the Implementation Plan Amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts the Amendment may have on the environment.*

2. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment that are necessary to make the requisite Coastal Act and Land Use Plan consistency findings. If San Mateo County accepts all of the suggested modifications within six months of Commission action (i.e., by February 12, 2027), by formal resolution and action of the Board of Supervisors, the modified amendment will become effective upon the Executive Director's reporting the determination that this acceptance has been properly accomplished to the Commission. Where applicable, underlined text shows proposed text to be added, and ~~crossed-out~~ text shows text to be deleted by the Commission.

A. Land Use Plan Modifications

1. Modify LUP Policy 8.9 as follows:

LUP Policy 8.9 Trees. (a) *Locate and design new development to minimize tree removal.* (b) *Employ the regulations of the ~~Significant~~ **Protected** Tree Ordinance to protect significant trees (38 inches or more in circumference) which are located in urban areas zoned Design Review (DR) trees regulated by the County of San Mateo as set forth in Section 8.400.060: Protected Trees, Section 8.400.060: Tree Removal and Tree Pruning in Specified Bayside Design Review Districts, and Section 8.400.240: Application and Designation of Heritage Trees.* (c) *Employ the regulations of the ~~Heritage~~ Protected Tree Ordinance to protect Heritage Trees as ~~unique trees which meet specific size and locational requirements.~~ defined as trees (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.*

B. Implementation Plan Modifications

1. Modify Section 8.400.030 as follows:

9. DEVELOPMENT means any work upon any property in the County requiring a discretionary or ministerial permit approval or issuance. Examples include (but are not limited to) subdivision, rezoning, variance, grading, landscaping subject to the California Water Efficient Landscape Ordinance, building permit, or other County approval. Specifically, to this Protected Tree Ordinance, Development refers to such work performed within a protected tree's Tree Protection Zone 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 and Chapter 8.252 of the Zoning and Development Code, where certain development requires a Coastal Development Permit.

2. Modify Section 8.400.030(19) as follows:

19. INDIGENOUS TREE means any tree originating or occurring naturally in San Mateo County as enumerated in Table ~~3~~1 in this ordinance.

3. Modify Section 8.400.030 by adding 8.400.030(20) as follows:

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20. MAJOR VEGETATION as it relates to trees means any tree species listed by the state or federal government as threatened, endangered, or a species of special concern; any tree considered rare; any tree located in an environmentally sensitive habitat area and/or wetland and/or any LCP-specified buffers thereto; any tree that provides significant habitat value; and any tree that is visually prominent and/or is a significant part of the public viewshed. If a Coastal Development Permit is required, that application shall be processed in accordance with San Mateo County Zoning Regulations Chapter 20B.

4. Modify Section 8.400.050 as follows:

None of the provisions in this ordinance may be construed to permit development otherwise disallowed by other County policies. Notwithstanding any other provisions of this ordinance, tree removal within the Coastal Zone requires a Coastal Development Permit if such tree(s) constitute major vegetation, as that term is defined in Section 8.400.030.

5. Modify Section 8.400.090 as follows:

In the RM/CZ and PAD Districts located within the urban area of the Midcoast, as shown in the Midcoast Project Area Zoning Map included in San Mateo County Ordinance Code, Title 8, Article 8.08.060 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, and possibly a Coastal Development 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 8.400.100: 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 Tree Removal permit is required in accordance with this ordinance for the removal of one or more Protected Trees, but a Coastal Development Permit may still be required. 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 major vegetation other than for agricultural purposes, pursuant to the RM/CZ, PAD and TPZ/CZ and Coastal Development (CD) District Regulations.

6. Modify Section 8.400.100 as follows:

No Protected Tree Removal permits, Protected Tree Pruning permits, or Expedited Tree Removal permits shall be required under this ordinance in the following circumstances:

...

7. Modify Section 8.400.110 as follows:

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Except as provided in Section 8.400.100: Permit Exemptions, and in Section 8.400.050: Limitations of Ordinance, a Protected Tree Removal permit, Protected Tree Pruning permit, or Expedited Tree Removal permit from the San Mateo County Planning and Building Department shall be required under this ordinance as follows:

...

8. Modify Section 8.400.230 as follows:

Pursuant to this section the Director of Planning and Building determines when an emergency exists, based on information provided by the property owner or applicant, and the Director's independent assessment as feasible. Once the Director has made such a determination, the Director may issue an Emergency Coastal Development Permit to address such an emergency (subject to procedures described in Section 8.252.210: Emergency Permits). A protected tree may be removed or severely pruned without a prior Emergency Coastal Development Permit and/or other permit where the Director also determines that 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 assessed by an ISA Tree Risk Assessment Qualified Arborist (TRAQ). In such event, the property owner or applicant shall be responsible for the following:

- 1. Notify the Director of Planning and Building during business hours, or the County Sheriff's Department if after business hours of the proposed emergency action, including removal or severe pruning, based on the tree risk assessment of a TRAQ certified arborist.*

...

3. FINDINGS AND DECLARATIONS

A. Proposed LCP Amendment Background

San Mateo County includes 59 miles of shoreline and supports significant agricultural lands, a commercial fishing harbor, and major public access to parks, beaches and other recreational lands, substantial marine and other natural resource areas, and extensive scenic resources. The 98,000 acres (153 square miles) of terrestrial coastal zone area includes unincorporated San Mateo County lands and 3 incorporated cities: the Cities of Daly City, Pacifica and Half Moon Bay. Throughout the County, mountains drop down to rolling agricultural and grasslands on marine terraces, with redwood forests, oak woodland and chaparral found inland. Urbanized areas of the County contain a mix of native and non-native trees throughout. Existing and future trees and tree communities within San Mateo County represent valuable natural resources that are integral to the County's landscape and identity. Conserving existing tree cover provides numerous ecological benefits, including erosion reduction, flood and landslide mitigation, enhanced habitat for wildlife, carbon sequestration, improved air quality, and increased watershed function. Tree canopy throughout San Mateo County is considerably altered from natural conditions resulting from land management practices such as historic extensive logging, land clearing, stream channelization, overgrazing, grassland conversion, and suburban and urban development. These activities have

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resulted in the loss of indigenous tree communities and the widespread introduction of non-indigenous species, particularly in developed areas of the County.

Within the County's coastal zone, redwood forests, oak woodlands, and other tree communities represent important habitat types that contribute to regional biodiversity throughout the coastal zone. For example, indigenous species found within these habitats, such as coast redwood and coast live oak, provide important habitat for a variety of wildlife reliant on trees, including the arboreal salamander (*Aneides lugubris*), acorn woodpecker (*Melanerpes formicivorus*), and marbled murrelet (*Brachyramphus marmoratus*; listed as endangered under the California Endangered Species Act). Protecting and preserving indigenous tree species throughout the coastal zone supports the continued function of coastal habitats and helps protect the rare and endangered wildlife that rely on them, consistent with LCP Land Use Plan (LUP) sensitive habitat provisions.

B. Proposed LCP Amendment

The County's proposed Local Coastal Program (LCP) amendment would remove references to the Significant Tree and the Heritage Tree in the LUP and completely rescind the Significant and Heritage Tree chapters in the IP and replace them with a new Protected Tree chapter. The current LUP references the previous Significant and Heritage Tree Ordinances in Policy 8.9. As it is currently written, this reference is outdated. Thus, the LUP will be updated to reference the Protected Tree Ordinance instead.

The rescinded Significant and Heritage Tree chapters of the IP separately regulate the removal of these types of trees according to specific criteria such as tree size and location. These chapters would be replaced with the proposed Protected Tree Ordinance that maintains the same tree size requirements outlined in the previous Significant Tree chapter but expands the list of protected indigenous species included in the previous Heritage Tree chapter. The proposed new Protected Tree Ordinance would also allow trees to be removed under special circumstances, such as when a tree jeopardizes public safety, health, and welfare and would establish emergency removal procedures (Section 8.400.100: Permits Exemptions). And the proposed ordinance would require that at least 50% of the existing tree canopy on the site of any new development be maintained.¹

¹ 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 the loss of 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 updated ordinance also replaces the term ‘Significant Trees’ with ‘Protected Trees’. The current IP definition broadly defines Significant Trees as trees that are 38 inches or more in circumference and are located in urban Design Review (DR) zones. The proposed definition in this IP amendment would also encompass all of the following types of trees: all trees with a diameter at standard height (DSH) of 12.1 inches or greater, excluding undesirable species (listed within the ordinance); Heritage Trees;² trees planted as mitigation or required to be retained by permit conditions; communities of trees; protected indigenous trees (see Section 8.400.060: Protected Trees, Table 1); and/or trees of undesirable species that are greater than 38-inch DSH and that may have other ecological value. Under the proposed amendment, all these types of trees will now require a permit for removal.

In addition, the updated ordinance includes supplemental provisions to ensure compliance with the Migratory Bird Treaty Act.³ Specifically, the ordinance requires that tree removal and pruning activities not result in the ‘take’ of migratory birds or the destruction of their nests or eggs.

The ordinance also provides increased protections for trees on new development sites. This includes maintaining existing Tree Plans and Tree Protection Plan policies, providing clearer requirements for tree protection during construction (including arborist supervision and reporting), new post-construction assessment requirements both before occupancy permits and three years post-construction, potential bonding requirements for tree protection, and discouraging new development from maximizing allowed development if it results in more than 50% canopy loss on the parcel.

Finally, the updated ordinance establishes a new Heritage Tree designation process that considers a tree’s importance to the community rather than relying solely on species as the designation for protection. The ordinance adds new permit requirements for pruning protected indigenous trees, including pruning branches greater than 6 inches in diameter, pruning any oak tree branches with trunks over 30-inch DSH, and any pruning of designated Heritage Trees. In addition, it adopts a standardized replacement-planting requirement for the removal of protected trees, along with an in-lieu fee option when on-site replacement of preferred species is not feasible due to site conditions.

As proposed, the LCP amendment would maintain much of the core policies from the existing certified Significant and Heritage Tree policies while bolstering and improving upon existing protections and regulations. From the County’s perspective, merging the Significant Tree and Heritage Tree chapters into a single, unified ordinance removes any existing inconsistencies between the two and creates an improved “standardized tree protection regime” throughout the County. The ordinance also makes clear that a

² ‘Heritage Trees’ are defined as trees (or groups of trees) designated by the Board of Supervisors as irreplaceable resources that are expected to provide lasting value and continued benefit to the community, where Heritage Trees are selected due to exceptional size, age, cultural, biological, horticultural significance, aesthetic or historic value.

³ The Migratory Bird Treaty Act prohibits the killing, capture, transport, selling, and trading of protected migratory bird species, including any of their parts, nests, or eggs.

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coastal development permit may be required for tree removal located within environmentally sensitive habitat area (ESHA), while facilitating and streamlining the approval process for development that does not significantly adversely affect sensitive habitat resources.

See **Exhibit 1** for the proposed amendment text.

C. Proposed LCP Amendment Consistency Determination

1. Standard of Review

The proposed amendment affects both the LUP and IP components of the County's certified LCP. The standard of review for LUP amendments is that they must conform with the requirements of Chapter 3 of the Coastal Act. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the LCP Land Use Plan provisions.

2. Proposed Land Use Plan Amendment

Applicable Coastal Act Provisions

The Coastal Act includes provisions to prevent development from causing substantial adverse impacts to coastal resources such as environmentally sensitive habitat areas (ESHA) and scenic and visual qualities, including as follows:

Section 30240 Environmentally sensitive habitat areas; adjacent

developments: (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30250 Location; existing developed area: (a) *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.* (b) *Where feasible, new hazardous industrial development shall be located away from existing developed areas.* (c) *Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Section 30251 Scenic and visual qualities: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views*

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to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act Consistency Analysis

The Coastal Act provides protection for natural resources, including Environmentally Sensitive Habitat Areas (ESHAs), and emphasizes the need to protect, maintain, enhance, and restore these areas. Development within or adjacent to ESHA is allowed only for a very limited set of uses and under stringent criteria intended to prevent resource degradation.

The proposed LUP amendment **Suggested Modification A.1.** ensures consistency between the LUP and IP by updating outdated references in the LUP to the Significant and Heritage Tree Ordinances and replacing them with updated references to the Protected Tree Ordinance which the IP will now contain. These updates ensure that the most current tree protection regulations are implemented consistently and support the implementation of Coastal Act Policies protecting ESHA by providing an updated regulatory framework for tree protection and, ultimately ensuring the most updated tree protections apply to both aspects of the LCP.

Thus, the Commission concludes that the proposed LUP amendment is consistent with Chapter 3 of the Coastal Act.

3. Proposed IP Amendment Applicable Land Use Plan Provisions

The LUP contains a series of provisions that define and designate sensitive habitats; protects such habitats from degradation and adverse environmental impacts; requires new development adjacent to such habitats be sited and designed to prevent degradation of such habitats; require new development be designed and located to minimize tree removal; and protect trees as an important scenic quality of the coastal zone. The LUP states:

LUP Policy 7.1 Definition of Sensitive Habitats. Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting “rare and endangered” species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes. Sensitive habitat areas include, but are not limited to,

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riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species.

LUP Policy 7.2 Designation of Sensitive Habitats. *Designate sensitive habitats as including, but not limited to, those shown on the Sensitive Habitats Map for the Coastal Zone.*

LUP Policy 7.3 Protection of Sensitive Habitats. *(a) Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas. (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.*

LUP Policy 8.9 Trees. *(a) Locate and design new development to minimize tree removal. (b) Employ the regulations of the Significant Tree Ordinance to protect significant trees (38 inches or more in circumference) which are located in urban areas zoned Design Review (DR). (c) Employ the regulations of the Heritage Tree Ordinance to protect unique trees which meet specific size and locational requirements. (d) Protect trees specifically selected for their visual prominence and their important scenic or scientific qualities. (e) Prohibit the removal of trees in scenic corridors except by selective harvesting which protects the existing visual resource from harmful impacts or by other cutting methods necessary for development approved in compliance with LCP policies and for opening up the display of important views from public places, i.e., vista points, roadways, trails, etc. (f) Prohibit the removal of living trees in the Coastal Zone with a trunk circumference of more than 55 inches measured 4 1/2 feet above the average surface of the ground, except as may be permitted for development under the regulations of the LCP, or permitted under the Timber Harvesting Ordinance, or for reason of danger to life or property. (g) Allow the removal of trees which are a threat to public health, safety, and welfare.*

Consistency Analysis

The LUP defines sensitive habitats as any area where the vegetative, water, fish and wildlife resources provide valuable habitats that can be easily disturbed or degraded, including habitats for rare or unique species; riparian corridors; marine and estuarine habitats; wetlands; sand dunes; wildlife refuges, reserves, and scientific study areas; and important nesting, feeding, breeding or spawning areas (see LUP Policy 7.1). Moreover, the LUP requires that any land use or development be sited and designed to avoid degradation of sensitive habitats, as defined above (see LUP Policy 7.3). Specific to trees, the LUP provides protection for trees and associated scenic resources within the coastal zone by establishing protections that broadly direct new development to be designed and located to minimize tree removal and, more specifically, to ensure that significant, heritage, and visually prominent trees are protected. Specific to these requirements, the LUP directs that removal of trees in scenic corridors is generally prohibited except for selective harvesting that protects existing visual resources from degradation, or any tree removal that may open up important public views. Trees that

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pose threats to public health, safety, or welfare can be removed as well (see LUP Policy 8.9).

As proposed, the new Protected Tree Ordinance only strengthens the LCP's tree protection provisions in that respect. The amended IP chapter includes provisions that require all tree removal to be minimized, which helps implement the LUP's goal of ensuring development is sited and designed to protect tree resources. It also directly implements LUP Policies 8.9 (b) and (c), which direct the County to adhere to the Significant and Heritage Tree Ordinances, which are now collectively known as the Protected Tree Ordinance, to protect eligible trees and maintain those with important scenic, scientific, or visual qualities.

Additionally, consistent with LUP protections for sensitive habitats, the proposed IP amendments strengthen sensitive habitat protections specific to trees by requiring additional findings be included in proposals for removal and tree pruning, tree removal without development in scenic corridors, or tree removal associated with development or subdivisions (see **Exhibit 1**, Section: 8.400.150 (Required Findings for Permit Approval) for a full list of required findings). These additional findings strengthen tree protections by addressing situations where tree cutting projects could adversely affect ecological resources, such as degrading surrounding sensitive habitats and scenic corridors, thereby ensuring consistency with tree resource protections in the LUP. The proposed provisions also require that new development retain at least 50% of the tree canopy on properties where new development is proposed, consistent with the tree protections required by LUP Policy 8.9. Finally, the updated ordinance expands the number of protected indigenous tree species from 17 to 20 in an effort to place higher value on indigenous species habitat.⁴ As such, the proposed Protected Tree Ordinance provides an effective means of carrying out LUP provisions regarding tree protections, including as it bolsters sensitive habitat protections, minimizes tree removal associated with new development, and expands the definition of protected trees throughout the County.

However, while the ordinance makes great strides to further protect trees, the updated provisions could benefit from some additional clarity as it relates to permit processing, particularly related to defining what trees constitute major vegetation (and thus where their removal constitutes development requiring a CDP) and emergency procedures. Such refinements will provide appropriate clarification about the types of permits that may still be required for tree removal under various circumstances and will ensure that established emergency procedures are clearly communicated such that proper oversight can be maintained. Without these refinements, there is a danger that certain

⁴ The proposed ordinance includes the following tree species as "protected indigenous" species: bigleaf maple (*Acer macrophyllum*), California Box Elder (*Acer negundo*), white alder (*Alnus rhombifolia*), red alder (*Alnus rubra*), Pacific madrone (*Arbutus menziesii*), California buckeye (*Aesculus californica*), golden chinquapin (*Chrysolepis chrysophylla*), Oregon ash (*Fraxinus latifolia*), Santa Cruz cypress (*Hesperocyparis abramsiana*), California sycamore (*Platanus racemosa*), Fremont cottonwood (*Populus fremontii*), Douglas fir (*Pseudotsuga menziesii*), coast live oak (*Quercus agrifolia*), canyon live oak (*Quercus chrysolepis*), blue oak (*Quercus douglasii*), valley oak (*Quercus lobata*), interior live oak (*Quercus wislizenii*), willow (*Salix lasiolepis*; *Salix laevigata*; *Salix lasiandra*; and *Salix sitchensis*), redwood (*Sequoia sempervirens*), and California nutmeg (*Torreya californica*).

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tree removal projects that require CDPs/ECDPs could occur without such permits and could lead to inadvertent (and disallowed) resource damage.⁵

Specifically, and in terms of the definition of “major vegetation” as it relates to trees and this ordinance, the addition of that definition is important because the removal of major vegetation is explicitly considered development requiring a CDP.⁶ Currently, the LCP does not define major vegetation at all, let alone in relation to trees. As a result, the term can be open to some interpretation in LCP implementation, even if the Commission has been generally consistent in its interpretation statewide,⁷ and tree removal that constitutes such major vegetation may not be properly addressed by the ordinance as proposed by the County. Fortunately, this is easily rectified by applying a definition that tracks past coastal zone practice in this regard, and that defines major vegetation as it relates to trees as any tree species listed by the state or federal government as threatened, endangered, or a species of special concern; any tree considered rare; any tree located in an environmentally sensitive habitat area and/or in wetland and/or in any LCP-specified buffers; any tree that provides significant habitat value; or any tree that is visually prominent and/or is a significant part of the public viewshed (see **Suggested Modification B.3.**). Modifications to Section 8.400.050 also added additional language to make clear that removal of major vegetation is considered a form of development that requires a CDP (see **Suggested Modification B.4.**). Doing so not only further clarifies the types of trees protected under the ordinance but also provides clear criteria for the types of tree removal that would require a CDP.

Next, proposed Section 8.400.040 states that the ordinance applies to property owners and every person responsible for removing, pruning, maintaining and protecting a Protected Tree. However, Section 8.400.010 states that the intent of the ordinance is to regulate the removal of trees within the urbanized areas and certain developed rural areas of the County. Because the latter section limits application and arguably suggests that tree removal would not be regulated within certain rural areas, including most of the County’s coastal zone, there is the potential that it could lead to inappropriate resource degradation in those areas. This too, however, is easily rectified through modifications to Section 8.400.090 to provide additional language to make clear that this ordinance applies within all coastal zone areas (see **Suggested Modification B.5.**).

⁵ The Commission notes that these kinds of issues related to clarity in LCP permit procedures related to tree removal have led to significant problems – and significant coastal resource degradation – in other communities (for example, in Santa Cruz County after the CZU lightning complex fire when PG&E cut down hundreds of protected trees on an emergency basis without getting authorization from the County and which the County, upon receiving notification, disagreed with a significant subset of the removals carried out). These types of outcomes can be avoided when the LCP required procedures are clear, and all parties understand the ways in which they should be implemented.

⁶ Under both the Coastal Act (in Section 30106) and the LUP (in Policy 1.2).

⁷ The Commission has generally considered major vegetation in terms of trees to extend to any tree species listed by the state or federal government as threatened, endangered, or a species of special concern; any tree considered rare; any tree located in ESHA, wetlands, or their buffers; any tree that provides significant habitat value; and any tree that is visually prominent and/or is a significant part of the public viewshed (see, for example, the Marin County LCP Update (LCP Amendment No. LCP-2-MAR-19-0003-1).

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Under the proposed ordinance, after-the-fact permits have been eliminated to discourage removal of protected trees without appropriate regulatory oversight, which helps strengthen the LCP in this regard.⁸ However, under proposed Section 8.400.230 (Emergencies) a protected tree may be removed or severely pruned without first obtaining a permit if it poses an imminent threat to life, property, utilities, or essential transportation infrastructure, or if a qualified arborist determines through a tree risk assessment that the tree has a high or extreme risk rating. Although there are some proposed noticing requirements, there is also considerable danger that this type of non-ECDP process can be manipulated to the detriment of protected trees. As proposed, that section does not clearly identify the requirements for issuing an ECDP, including in terms of required oversight by the County. Accordingly, suggested modifications to Section 8.400.230 explicitly clarify that Director of Planning and Building approval is required prior to any emergency tree removal, and explicitly clarify how tree removal provisions intersect with ECDP provisions (see **Suggested Modification B.8.**).

Finally, the proposed ordinance includes language in many places that could be read to infer that CDPs are not required for certain tree removal activities (such as the removal of vegetation that does not meet the definition of major vegetation), when in fact tree removal can be a type of development that requires a CDP, and the LCP includes procedures for identifying when CDPs are and are not required (see IP Title 8, Article 8.252.050), where those procedures are separate from the proposed protected tree ordinance. To avoid introducing internal LCP inconsistencies on this point, through suggested modifications language has been refined to clarify that a CDP may still be required under certain conditions, even when other permits (such as a Protected Tree Removal Permit, Protected Tree Pruning Permit, or Expedited Tree Removal Permit) are not (see **Suggested Modifications B.1., B.6., and B.7.**). This modification ensures that both native and non-native trees with significant habitat value cannot be removed without some form of permit review.

Finally, the suggested modifications to Section 8.400.030(19) were made to update the table references so that it reflects the correct table number (see **Suggested Modification B.2.**). With the identified modifications, the ordinance expands upon and even strengthens San Mateo County LCP requirements regarding tree removal as they relate to the tree protections, including as that extends to sensitive habitats, species, and public views. If modified as suggested, the IP amendments are consistent with and adequate to carry out LUP provisions applicable to the protections for such resources.

⁸ The currently certified IP Significant and Heritage Tree Ordinances allow after-the-fact permits to be issued following emergency tree removals. If it was determined that the circumstances did not ultimately warrant emergency removal, then such removal would constitute a violation after-the-fact. Such violations have typically been resolved through mitigation fees and tree replanting requirements. However, fees and/or tree replanting cannot fully replace the value of a lost tree or trees that would not have been removed had the appropriate review and approval occurred, particularly in the case of mature or old-growth trees (and as occurred recently in the aforementioned case in Santa Cruz County).

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D. California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the County exempted the proposed amendment from environmental review (citing CCR Sections 15307 and 15308, and CEQA Section 21152(b), which exempt local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has addressed all comments received, discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein. Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. Thus, the proposed LCP amendment as modified will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

4. APPENDICES

A. Substantive File Documents⁹

- LCP Amendment File for LCP-2-SMC-25-0005-2

B. Staff Contact with Agencies and Groups

- San Mateo County Planning and Building Department

⁹ These documents are available for review from the Commission's North Central Coast District office.