

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

DATE: October 14, 2026

TO: Planning Commission

FROM: Planning Staff

SUBJECT: A resolution making text amendments to the County's Local Coastal Program Land Use Plan Policy 8.9 and an ordinance amending Article 7 – Tree and Natural Resources Protection of the San Mateo County Ordinance Code Chapter 8.400: Protected Tree Ordinance, to accept modifications suggested by the California Coastal Commission.

County Number: PLN2018-00436

PROPOSAL

Planning Commission review and recommendation regarding the amendments to the County's Local Coastal Program Land Use Plan Policy 8.9 and an ordinance amending Article 7 – Tree and Natural Resources Protection of the San Mateo County Ordinance Code Chapter 8.400: Protected Tree Ordinance to accept modifications suggested by the California Coastal Commission.

RECOMMENDATION

That the Planning Commission recommend that the Board of Supervisors adopt a resolution amending the County's Local Coastal Program Land Use Plan Policy 8.9 and an ordinance amending Article 7 – Tree and Natural Resources Protection of the San Mateo County Ordinance Code Chapter 8.400: Protected Tree Ordinance, to accept modifications suggested by the California Coastal Commission.

BACKGROUND:

Report Prepared By: Bharat Singh, Planning Services Manager, 628/204-1378

Applicant: San Mateo County Planning and Building Department

Public Notification: Ten business day advanced notification for the hearing was provided via a 1/8th-page notice for the hearing posted in a newspaper (San Mateo County Times) of general public circulation.

DISCUSSION:

On October 22, 2024, the Board of Supervisors adopted an amendment to the County Ordinance Code, Article 7 – Tree & Natural Resources Protection of the San Mateo County Ordinance Code, by adopting Chapter 8.400: Protected Tree Ordinance and rescinding in their entirety Chapter 8.400: Significant Tree Regulations and Chapter 8.404: Heritage Tree Regulations.

Per State law, amendments to the County's zoning regulations applicable in the Coastal Zone, and amendments to the County's Local Coastal Program (LCP), cannot take effect until they are reviewed and certified by the California Coastal Commission. The Coastal Commission considered the County's amendments on August 12, 2026, and conditionally certified the amendments, with several minor modifications that include:

- Adding and clarifying definitions to cross reference and be consistent with other relevant County zoning and development codes for clarity of application.
- Clarifying the applicability of the new ordinance to identify when a Coastal Development Permit is required.
- Updating LCP policies to ensure consistency between the new ordinance and the LCP.

A. COASTAL COMMISSION MODIFICATIONS

The Coastal Commission identified the following modifications to the ordinance and the LCP in order for the Coastal Commission to make the necessary Coastal Act and Land Use Plan consistency findings. The Coastal Commission's suggested changes are shown below—underlined text shows proposed text to be added and crossed-out text shows text to be deleted. Acceptance of these modifications is required for the updated ordinance to be effective in the coastal zone.

The Coastal Commission requested the following modifications in its conditional certification of the County's Protected Tree Ordinance:

1. Section 8.400.030(9):

*9. **DEVELOPMENT** means any work upon any property in the County requiring 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. Section 8.400.030(19):

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

3. Section 8.400.030, adding 8.400.030(20):

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 8.252.

4. Section 8.400.050:

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. Section 8.400.090:

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, Section 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. Section 8.400.100:

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. Section 8.400.110:

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. Section 8.400.230:

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 permits 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:

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.

In addition, the Coastal Commission the following modifications to LCP Land Use Policy 8.9 as part of its conditional certification of the County's Protected Tree Ordinance to align the LCP with the new ordinance:

1. LCP Land Use Policy (LUP) Policy 8.9:

- (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. COASTAL COMMISSION REVIEW AND ACTION

As described above and detailed in Attachment C, in order for the County's Protected Tree Ordinance to take effect in the coastal zone, the Board of Supervisors must acknowledge receipt of the Coastal Commission resolution of certification, including the suggested modifications, accept and adopt the modifications, and agree to issue coastal development permits subject to the approved amendment. Once this action is completed, County staff will submit the amended regulations to the Coastal Commission for the Executive Director's determination of the adequacy of the County's actions, and should the amended regulations be found adequate, the Coastal Commission will submit notice of certification with the Secretary of the California Natural Resources Agency.

C. ENVIRONMENTAL REVIEW

Notice of Exemption (NOE) prepared for the original ordinance update and was posted on the State California Environmental Quality Act (CEQA) Clearinghouse website and the County project website. Since the Coastal Commission's recommended amendments do not substantially add/remove or change sections of the adopted ordinance and simply clarify the requirements and procedures for the review and approval of proposed tree removals, the original NOE is still

applicable to the proposed amendments.

D. NEXT STEPS

The ordinance text amendments and Local Coastal Program text amendments must be reviewed by the County Planning Commission, which will make a recommendation to the County Board of Supervisors. The amendments must then be adopted by the Board. The Board of Supervisors' hearing is tentatively scheduled for November 3, 2026. If the Board adopts the amendments, staff will submit them to the Coastal Commission, and the regulations will take effect upon the Coastal Commission's filing of the notice of certification with the Secretary of the Natural Resources Agency.

ATTACHMENTS

- A. Coastal Commission Notification of Action on Local Coastal Program Amendment
- B. Coastal Commission Staff Report on San Mateo County LCP Amendment Number LCP-2-SMC-25-0005-2 (Protected Tree Ordinance)
- C. Draft Resolution
- D. Draft Ordinance



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



NOTIFICATION OF ACTION ON LOCAL COASTAL PROGRAM AMENDMENT

Date: August 17, 2026

To: County of San Mateo
Planning and Building Department
County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94603

From: Stephanie Rexing, North Central Coast District Manager

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

Dear Mr. Singh:

At its August 12, 2026 meeting, the California Coastal Commission took action on the San Mateo County LCP Amendment No. LCP-2-SMC-25-0005-2 (Protected Tree Ordinance). The Commission approved the proposed amendments to the LCP, if modified as suggested. A copy of the findings and suggested modifications is enclosed.

This letter formally transmits to you the Commission's resolution of certification and findings pursuant to Section 13544 of Title 14 of the California Code of Regulations. Pursuant to Section 13544, effective certification of LCP Amendment No. LCP-2-SMC-25-0005-2, whereby the County may begin implementing the Protected Tree Ordinance regulations subject to this amendment, will occur after:

1. The County, by action of the Board of Supervisors: (a) acknowledges receipt of this resolution of certification, including the suggested modifications; (b) accepts and agrees to the modifications and takes whatever formal action is required to satisfy the modifications (e.g., implementation of ordinances); and (c) agrees to issue coastal development permits subject to the approved amendment.
2. The Commission's Executive Director reports to the Commission his/her determination that the County's actions are legally adequate, and the Commission does not object to the Executive Director's determination.

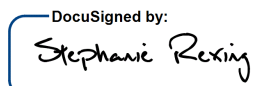
Notification of Commission Action
LCP-2-SMC-25-0005-2

3. Notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency.

Coastal Commission staff will take care of items #2 and #3 above, following completion of item #1 by the County. Note that the Commission's regulations provide that the Commission's action of certification with the suggested modifications shall expire six months from the date of the Commission's action, or on February 12, 2027.

Please let us know if we can assist you in any way in completing action on this LCP amendment, or if you have any questions.

Sincerely,

DocuSigned by:

035096250A8E49E...

Stephanie Rexing
District Manager
North Central Coast District Office

cc: Commissioners/File

Encl.: Coastal Commission Staff Report & Addendum



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
EMAIL: NORTHCENTRALCOAST@COASTAL.CA.GOV
WEB: WWW.COASTAL.CA.GOV

**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.

LCP-2-SMC-25-0005-2 (Protected Tree Ordinance)

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.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

RESOLUTION ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S CONDITIONAL CERTIFICATION OF THE COUNTY'S AMENDMENTS TO COUNTY ORDINANCE CODE - ARTICLE 7 - TREES & NATURAL RESOURCES PROTECTION - CHAPTER 8.400 - PROTECTED TREE ORDINANCE; ADOPTING THE COASTAL COMMISSION'S MODIFICATION TO THE LOCAL COASTAL PROGRAM; AND DIRECTING SUBMITTAL OF THE COUNTY'S ACTION TO ACCEPT THE MODIFICATIONS TO THE EXECUTIVE DIRECTOR OF THE CALIFORNIA COASTAL COMMISSION FOR REVIEW

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

SECTION 1

WHEREAS, on October 22, 2024 the Board of Supervisors approved resolutions adopting an amendment to the County's Ordinance Code Article 7 – Tree & Natural Resources Protection, by adopting Chapter 8.400: Protected Tree Ordinance (the "Protected Tree Ordinance") and rescinding in their entirety Chapter 8.400: Significant Tree Regulations and Chapter 8.404: Heritage Tree Regulations; and

WHEREAS, the adopted amendments were subsequently submitted to the California Coastal Commission ("Coastal Commission") for the Coastal Commission's review and certification, as required by the Coastal Act; and

WHEREAS, the California Coastal Commission considered the proposed amendments on August 12, 2026, and conditionally certified the amendments,

contingent on modifications to Local Coastal Program (LCP) Land Use Policy (LUP) Policy 8.9 and to several sections of the Protected Tree Ordinance; and

WHEREAS, in order for the conditionally certified amendments to take effect, the Board of Supervisors must accept, agree, and adopt the Coastal Commission's suggested modifications; and

WHEREAS, the Board of Supervisors will concurrently consider an ordinance adopting the suggested modifications to the Protected Tree Ordinance and wishes to adopt the suggested LCP modifications by this resolution.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that:

The Board of Supervisors acknowledges receipt of the California Coastal Commission's resolution of certification LCP-2-SMC-25-0005-2 (Protected Tree Ordinance), including suggested modifications to LCP LUP Policy 8.9 and to several sections of the Protected Tree Ordinance, and that the San Mateo County Local Coastal Program LUP Policy 8.9, is hereby amended to read as follows:

8.9 Trees

- a) Locate and design new development to minimize tree removal.
- b) Employ the regulations of the Protected Tree Ordinance to protect 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 Protected Tree Ordinance to protect Heritage Trees, 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.

BE IT FURTHER RESOLVED that the Board of Supervisors agrees to issue coastal development permits subject to the amended Local Coastal Program policies, as adopted by this resolution, and the amended Protected Tree ordinance, as adopted by separate ordinance, incorporating the Coastal Commission's suggested modifications.

BE IT FURTHER RESOLVED that Planning and Building Department staff are directed to submit said resolution and ordinance to the Executive Director of the California Coastal Commission for review of legal adequacy.

* * * * *



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

**AN ORDINANCE AMENDING THE COUNTY ORDINANCE CODE, ARTICLE 7 –
TREE & NATURAL RESOURCES PROTECTION OF THE SAN MATEO COUNTY
ORDINANCE CODE, BY ADOPTING THE COASTAL COMMISSION’S
MODIFICATION TO CHAPTER 8.400: PROTECTED TREE ORDINANCE.**

The Board of Supervisors of the County of San Mateo, State of California,

ORDAINS as follows:

SECTION 1

WHEREAS, on October 22, 2024 the Board of Supervisors approved resolutions adopting an amendment to the County’s Ordinance Code Article 7 – Tree & Natural Resources Protection, by adopting Chapter 8.400: Protected Tree Ordinance and rescinding in their entirety Chapter 8.400: Significant Tree Regulations and Chapter 8.404: Heritage Tree Regulations

WHEREAS, the adopted amendments were subsequently submitted to the California Coastal Commission (“Coastal Commission”) for the Commission’s review and certification, as required by the Coastal Act; and

WHEREAS, the California Coastal Commission considered the proposed amendments on August 12, 2026, and conditionally certified the amendments,

contingent on modifications to Local Coastal Program (LCP) Land Use Policy (LUP) Policy 8.9 and to several sections under Chapter 8.400: Protected Tree Ordinance of the County's Ordinance Code Article 7 – Tree & Natural Resources Protection; and

WHEREAS, in order for the conditionally certified amendments to take effect, the Board of Supervisors must accept, agree, and adopt the Coastal Commission's suggested modifications; and

WHEREAS, the Board of Supervisors has adopted the suggested modifications to Chapter 8.400, by ordinance.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that:

The Board of Supervisors acknowledges receipt of the California Coastal Commission's resolution of certification LCP-2-SMC-25-0005-2 (Protected Tree Ordinance), including suggested modifications to LCP LUP Policy 8.9 and to several sections under Chapter 8.400: Protected Tree Ordinance of the County's Ordinance Code Article 7 – Tree & Natural Resources Protection.

SECTION 2

NOW THEREFORE, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

SECTION 3

The San Mateo County Ordinance Code Article 7 – Tree & Natural Resources Protection, Chapter 8.400 – Protected Tree Ordinance, is hereby amended to read as follows:

ARTICLE 7 - TREES & NATURAL RESOURCES PROTECTION

CHAPTER 8.400 - PROTECTED TREE ORDINANCE

(Title 8, Article 7, Chapter 8.400 of the San Mateo County Ordinance Code)
(Replaces entirely Chapter 8.400 Significant Tree Regulations & Chapter 8.404
Heritage Tree Regulations first adopted 4/5/77)

8.400.010 - 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 non-indigenous 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.

8.400.020 - Title.

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

8.400.030 - 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 website to this ordinance.
2. BUILDING ENVELOPE means:
 - a. The areas of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.
 - b. The area within the exterior walls of a structure.
 - c. The area that is necessary for the construction of primary access to structures located on the parcel.
 - d. the vertical projection of a proposed building (walls, porches, roof, etc.)
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 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.
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 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. 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.
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.
11. DEPARTMENT means the County of San Mateo Planning and Building Department.
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.
13. DIRECTOR OF PLANNING AND BUILDING means the Director of Planning and Building of the County of San Mateo Planning and Building Department, including their authorized or designated representatives.
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.
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:

- a. Any extreme root or branch pruning that is not consistent with standard arboriculture practices for a healthy tree;
- b. Removal of the bark around the circumference of the tree (girdling);
- c. Compaction of soil within the dripline;
- d. Introduction of harmful chemicals;
- e. Introduction of pests or disease;
- f. Unauthorized relocation or transportation of a tree; and
- g. Trenching, excavating, altering the grade, or paving within the tree protection zone

16. **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.

17. **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. **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 have the potential to cause death, injury, or substantial property damage if they fail.

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

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.

21. 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.
22. 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.
23. 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.
24. PROTECTED TREE means a tree 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.
25. PRUNING means the selective removal of plant parts to meet specific goals and objectives, including but not limited to: safety and risk reduction; clearance; growth control; and to enhance performance or function by developing and preserving tree structure and health or preserving or improving wildlife habitat.
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.
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 Director of Planning and Building.
28. REMOVE means complete removal, such as cutting to the ground or extraction of a tree.
29. 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.

30. SCENIC CORRIDOR means any scenic road corridor identified in the County General Plan or Local Coastal Program.
31. SENSITIVE HABITAT means any area where the vegetative, water, fish and wildlife resources provide especially valuable and rare plant and animal habitats that can be easily disturbed or degraded. These areas include but are not limited to: (1) habitats containing or supporting rare or unique species; (2) riparian corridors; (3) marine and estuarine habitats; (4) wetlands; (5) sand dunes; (6) wildlife refuges, reserves, and scientific study areas; and (7) important nesting, feeding, breeding or spawning areas.
32. 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 American National Standards Institute (ANSI) A300-Part 1 Tree, Shrub and Other Woody Plant Management—Standard Practices, (Pruning).
33. 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.
34. 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.
35. STREET TREE means a tree in a public right-of-way.
36. TARGET means any person, structure, or object capable of being damaged, injured, or killed by a failed tree or portion of a tree.
37. 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.
38. 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.
39. TREE PROTECTION ZONE 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. The tree protection zone is the greater of the following:
- a. The area measured radially from the trunk that is 10 times the trunk diameter, or,

b. The tree's dripline.

40. 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.
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.
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.
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.

8.400.040 - Applicability.

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

8.400.050 - Limitations of Ordinance.

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.

8.400.060 - 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 8.400.070 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 1:

Table 1 Protected Indigenous Trees		
Botanical name	Common Name	Minimum Trunk Diameter (measured at 4.5 feet above natural ground height)
<i>Acer macrophyllum</i>	Bigleaf Maple	10 inches
<i>Acer negundo</i>	California Box Elder	10 inches
<i>Alnus rhombifolia</i>	<i>White Alder</i>	<i>Six inches or larger within riparian corridors</i>
<i>Alnus rubra</i>	<i>Red Alder</i>	<i>Six inches or larger within riparian corridors</i>
<i>Arbutus menziesii</i>	Pacific madrone	10 inches
<i>Aesculus californica</i>	California Buckeye	10 inches
<i>Chrysolepis chrysophylla</i>	Golden Chinquapin	10 inches
<i>Fraxinus latifolia</i>	Oregon Ash	10 inches
<i>Hesperocyparis abramsiana</i>	Santa Cruz Cypress	10 inches
<i>Platanus racemosa</i>	California Sycamore	10 inches
<i>Populus fremontii</i>	Fremont Cottonwood	Six inches or larger within riparian corridors
<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 “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.

8.400.070 - Tree Removal and Tree Pruning in Specified Bayside Design Review Districts.

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 8.400.100: 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.

8.400.080 - 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, unless one of the Exemptions in Section 8.400.100: 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.

8.400.090 - Tree Removal in the Resource Management/Coastal Zone (RM/CZ), Planned Agricultural (PAD) and Timberland Preserve/Coastal Zone (TPZ/CZ) Districts.

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 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 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 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.

8.400.100 - Permit Exemptions.

No Protected Tree Removal permits, Protected Tree Pruning permits, or Expedited Tree Removal 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 Director of Planning and Building, consistent with the requirements under Section 8.400.230: Emergencies.
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. This exemption will not apply to these species if they are 38" DSH or larger.
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.

8.400.110 - Permits Required.

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 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, one or more protected trees on public or private property or within a public or private right-of-way.¹ An Expedited Tree Removal permit- may instead be granted if the tree meets the conditions described in Section 8.400.130: Expedited Tree Removal Permits Requirements.
2. A Protected Tree Pruning Permit shall be required for
 - a. Tree pruning where the cut would result in the removal of a live branch (or trunk of a multi-trunk tree) that is 6 inches in diameter (19 inches circumference) or greater at the point of the cut for all Protected Indigenous Trees
 - b. 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 Heritage Tree.
3. For requirements specific to Specified Bayside Design Review Districts, RM, RM/CZ, PAD, TPZ and TPZ/CZ Districts, refer to Sections 8.400.080 and 8.400.090.

8.400.120 - Protected Tree Permit Application Requirement.

Applications for Protected Tree Removal or Protected Tree Pruning permits shall include the following:

1. A completed tree removal or tree pruning application form provided by the Planning Department, signed by the property owner.
2. An arborist report, consistent with this ordinance and its companion document.
3. 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.
4. For pruning permits, a written description of the proposed pruning, including objectives, pruning system, type of cuts, size of cuts, and location and amount of

¹ 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.

foliage to be removed should be specified to conform with the most recent ANSI A300 Part 1 and performed according to the most recent edition of the ISA Best Management Practice: Pruning publication. If required by the Director of Planning and Building, the written report shall be prepared by a certified or consulting arborist.

5. 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 8.400.170: Tree Plan Requirements with Development Application and the companion document to this ordinance.
6. 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 8.400.160: Required Replacement Planting.
8. Any other pertinent information the Director of Planning and Building may require.
9. A fee as adopted by the Board of Supervisors.

8.400.130 - 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.
 - 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. 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 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 Director of Planning and Building will consider and take action on the complete application; no public notice or public hearing is required.
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.

8.400.140 - 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 Director of Planning and Building shall notice surrounding property owners within 300 feet of the parcel 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 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 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 receipt of a complete Protected Tree Removal or Protected Tree Pruning application, the Director of Planning and Building shall review the application and, if necessary, inspect the site. The Director of Planning and Building may consult with other County departments or outside agencies at the Director's discretion. The Director of Planning and Building shall consider 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.
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 Director of Planning and Building, 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 findings for permit approval in compliance with this ordinance.

4. Review Criteria. Upon receipt of a completed Protected Tree Removal or Protected Tree Pruning application, the Director of Planning and Building shall review each application using the following criteria to determine whether the findings listed in Section 8.400.150: 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 8.400.100: Permit Exemptions, or meet the findings found in Section 8.400.150: Required Findings.
 - b. **Tree Removal With Development.** Protected trees shall not be removed unless they are exempt from permitting as provided in Section 8.400.100: Permit Exemptions, or meet the findings found in Section 8.400.150: 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 emergency 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 in County or State Scenic Corridors, shall be avoided. Any authorized tree removal within 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 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, or as required for reasons of safety.
 - e. **Sensitive Habitats.** The removal of Protected Trees and Protected Indigenous Trees within sensitive habitats, shall not be permitted. All tree work conducted in sensitive habitats must be consistent 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 Public Resources Code §25980, the California Solar Shade Control Act.

- 5. Notice of Decision. The Director of Planning and Building 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 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.

8.400.150 - Required Findings for Permit Approval.

The Director of Planning and Building shall approve a Protected Tree Removal Permit Or Pruning Permit only after determining that the relevant findings based on the applicable Review Criteria can be made.

1. Tree Pruning

- a. The proposed pruning complies with the Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.) and the California Fish and Game Code (§ 3513). Specifically, the project will avoid any actions that could result in the 'take' of migratory birds, their nests, or eggs.
- b. The proposed pruning adheres to established arboricultural standards and best practices, ensuring that the health and structural integrity of the trees will be maintained.
- c. The objective of the proposed pruning is to manage meets a defined objective, as outlined in ANSI A300:
 - i. Manage risk
 - ii. Manage health
 - iii. Develop Structure
 - iv. Provide Clearance
 - v. Manage size or Shape
 - vi. Improve aesthetics
- d. Pruning to remove a limb hazard which does not require full tree removal:
 - i. Pruning does not remove more than 1/3 of tree canopy.

- 2. **Tree Removal Without Development or in Scenic Corridors.** Two or more of the following findings must be made.

- a. The proposed removal complies with the Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.) and the California Fish and Game Code (§ 3513). Specifically, the project will avoid any actions that could result in the 'take' of migratory birds, their nests, or eggs.
 - b. 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.
 - c. The tree is a Hazard Tree or otherwise a public nuisance which cannot be corrected through remedial measures.
 - d. 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.
 - e. The tree is causing damage to existing infrastructure (including foundation, driveway or eaves) of a residence, commercial, or accessory structure and there are no reasonable solutions adapt or relocate the infrastructure to accommodate for the tree.
 - f. 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.
 - g. The removal of the tree is necessary to repair a geologic hazard.
3. **Tree Removal with Development or Subdivisions.** Findings a-e must be made, and at least two of findings f-k must be made.
- a. The proposed removal complies with the Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.) and the California Fish and Game Code (§ 3513). Specifically, the project will avoid any actions that could result in the 'take' of migratory birds, their nests, or eggs.
 - b. The removal proposal includes a tree replacement planting proposal that conforms to the replanting requirements of this ordinance.
 - c. 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.

- d. In the case of Single-Family development, 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 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.
- e. No more than 50% of the property's tree canopy would be lost².
- f. 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.
- g. The tree is a Hazard Tree or otherwise a public nuisance which cannot be corrected through remedial measures.
- h. 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.
- i. The tree is causing damage to existing infrastructure (including foundation, driveway or eaves) of a residence, commercial, or accessory structure and there are no reasonable solutions adapt or relocate the infrastructure to accommodate for the tree.
- j. 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.

² 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.

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

8.400.160 - Required Replacement Planting

- 1. Number and Species of Replacement Tree(s) Required.** All Protected Tree Removal Permits shall require the planting of one or more replacement trees as a condition of approval, consistent with the following standards:
- a. One (1) or more replacement trees, shall be planted on the subject private property. The number of replacement trees required shall be as prescribed in Table 2 Tree Replacement Standard.

Table 2 - Tree Replacement Standard		
Canopy Size of Removed Tree ¹	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 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 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 8.400.130: Expedited Tree Removal Permit Requirements, may not be planted as replacement plantings anywhere in the County.

2. **Replacement Tree Planting and Maintenance Requirements.** Replacement tree planting shall be specified in writing in accordance with the most recent version of the ANSI A300 (Part 6) Planting and Transplanting standard and trees installed as described in the most recent edition of the ISA Best Management Practices: Tree Planting and Transplanting. 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. 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 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 three (3) 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 Director of Planning and Building, 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.
 - a. An in-lieu payment for each tree removed and not replaced onsite, in the amount 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.

8.400.170 - 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.

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.
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 Director of Planning and Building. The Director 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 8.400.140: 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 Director of Planning and Building for its consideration.

8.400.180 - Conditions of Approval.

In granting any permit as provided herein, the 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, protected wildlife, shade, noise buffers, wind protection, air pollution, and historic features. In the event an active nest is found, this may include the postponement of activities until nests are no longer active.
3. Other conditions as necessary to implement the provisions of this ordinance, including Replacement Planting per Section 8.400.160: 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.

8.400.190 - 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 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.

8.400.200 - Appeals.

The applicant or any other person who is aggrieved by the permit decision by the Director of Planning and Building as authorized by this ordinance, may appeal in the manner set forth below. Expedited Tree Removal Permits and Protected Tree Pruning Permits issued pursuant to this ordinance 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 by the Director of Planning and Building may be appealed to the Planning Commission by filing a written notice of appeal with the 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.
2. The appeal decision by the Planning Commission may be appealed to the Board of Supervisors by filing a written notice of appeal with the 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.

8.400.210 - Permit Posting During Tree Removal.

The approved Protected Tree Removal Permit, 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.

8.400.220 - 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 the required three (3) year maintenance period of the replacement tree.

8.400.230 - Emergencies.

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 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 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.
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 Director of Planning and Building confirming the emergency condition and describing the action taken. Insurance claim and other relevant information shall be included.
3. If documentation is not submitted, or the Director of Planning and Building determines that the condition was not reasonably determined to have been an emergency requiring immediate action, the tree removal may be treated as a violation of this ordinance.
4. Replacement trees, in accordance with Section 8.400.160: Required Replacement Planting of this ordinance shall be required.

8.400.240 - 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 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 Director of Planning and Building may require.
- e. A fee as adopted by the Board of Supervisors.

Upon receipt of a complete application, the Director of Planning and Building may inspect the tree. The 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.

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 unincorporated San Mateo County.
 - c. It possesses 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 8.400.240 in that it 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.

After Board of Supervisors approval of a Heritage Tree designation, the 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 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.

8.400.250 – Violations: Cease and Desist. Remediations of Unlawful Tree Removal.

If the Director of Planning and Building, Building Official, any Code Compliance Officer, 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, or removal may be done except upon approval of the 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 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 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 Director of Planning and Building 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.
 - c. The stop work notice shall remain in effect, and no construction shall be allowed on the affected property, until such time as the 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 8.400.260: 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 Director of Planning and Building.

2. If a violation of this ordinance occurs in the absence of development or while an application for a building permit or discretionary development approval is pending:
 - a. The 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.
 - c. The moratorium shall remain in effect, and no construction shall be allowed on the affected property, until such time as the 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 8.400.260: 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 Director of Planning and Building.

8.400.260 - 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 3: Penalties for Infraction			
Incidence of Violation	Cumulative inches of DSH removal		
	DSH 12"- 24"	DSH 25"- 48"	DSH >48"
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 a permit shall constitute a separate infraction, and the resulting fine shall be cumulative. The Director of Planning and Building may reduce the fines only under extraordinary circumstances where the required fine would be excessive.

8.400.270 - 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."

8.400.280 - 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 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 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 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 Director of Planning and Building.

8.400.290 - 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 Director of Planning and Building determines that a Protected Tree Removal Permit or Protected Tree Pruning Permit is not required; or
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 shall not be imposed as a demand for meeting expungement requirements.

SECTION 4

The Clerk shall publish this Ordinance in accordance with applicable law

SECTION 5

This Ordinance shall be effective immediately upon the California Coastal

Commission's filing of the notice of certification of the LCP amendment with the

Secretary of the Natural Resources Agency.

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