

TOWN OF LOS GATOS

Community Development Department • 110 E. Main Street, Los Gatos CA 95030 • 408.354.6872

TREE PROTECTION REQUIREMENTS FOR PLANNING APPLICATIONS

❖ Tree Protection Plan

Any time the canopy of a tree protected by Town Code extends into or near an area of a proposed project, a tree protection plan is required and an arborist report may be required depending on the project scope. A tree protection plan is a plan that shows how to retain and protect trees during construction of a project.

❖ Arborist Report

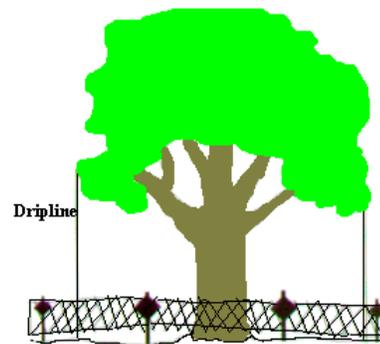
An arborist report includes a professional analysis and tree protection plan recommendations (see Arborist Report Checklist). When an arborist report is required, preparation or peer review by the Town's Consulting Arborist and an arborist deposit account are required to be set up with the Planning Department. Following completion of a project, any funds remaining in the account are refunded.

❖ Protected Trees

- Protected trees related to zoning approvals – most species, when the trunk diameter measured at four and one-half feet above the ground (Diameter at Breast Height or DBH) is four inches or more (includes dead trees and fallen trees).
- Large protected trees – any Oak, California Buckeye, or Pacific Madrone, when the trunk DBH is 24 inches or more
- For additional information on protected trees see Town Code, Division 2. Tree Protection: www.losgatosca.gov/treeprotection

TREE PROTECTION ZONE

The tree protection zone (TPZ) means the area of a temporary fenced tree enclosure at or beyond the tree's dripline or as specified in a report prepared by a certified or consulting arborist. The TPZ is a restricted activity zone before and after construction where no soil disturbance is permitted unless approved and supervised by the certified or consulting arborist.



❖ **Tree Removal and Replacement**

Permits are required for proposed removals of protected trees as well as for some tree pruning. For additional information see the Parks and Public Works web page: <http://www.losgatosca.gov/2252/Private-Trees>

If trees are requested for removal, the removals will be evaluated according to the Town’s tree removal criteria (Town Code 29.10.0992) and findings in the affirmative must be made that the trees qualify for removal and replacement as part of the project. Removed trees are required to be replaced pursuant to the Tree Canopy Replacement Standard prior to final inspection by the Building Division.

Canopy Size of Removed Tree ¹	Replacement Requirement ^{2, 4}	Single Family Residential Replacement Option ^{3, 4}
10 feet or less	Two 24-inch box trees	Two 15-gallon trees
More than 10 feet to 25 feet	Three 24-inch box trees	Three 15-gallon trees
More than 25 feet to 40 feet	Four 24-inch box trees; or Two 36-inch box trees	Four 15-gallon trees
More than 40 feet to 55 feet	Six 24-inch box trees; or Three 36-inch box trees	Not Available
Greater than 55 feet	Ten 24-inch box trees; or Five 36-inch box trees	Not Available

Notes

- ¹ To measure an asymmetrical canopy of a tree, the widest measurement shall be used to determine canopy size.
- ² Often, it is not possible to replace a single large, older tree with an equivalent tree(s). In this case, the tree may be replaced with a combination of both the Tree Canopy Replacement Standard and in-lieu payment in an amount set forth by Town Council resolution paid to the Town Tree Replacement Fund.
- ³ Single Family Residential Replacement Option is available for developed single family residential lots under ten thousand (10,000) square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All fifteen gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on twenty-four-inch box tree rates as adopted by Town Council.
- ⁴ Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. Replacement requirements in the Hillside Development Standards and Guidelines Appendix A and section 29.10.0987 Special Provisions—Hillside.

Replacement with native species is strongly encouraged. Most fruit and nut trees, palm trees, or “nuisance” species (see section 29.10.0970(2) of the Town Code) are generally not considered suitable replacement trees. If a tree or trees cannot be reasonably replanted on the subject property, the Town Arborist may approve a full or partial in-lieu fee payment. Where the payment of in-lieu fees are approved, permits will not be issued until all in-lieu fees are paid in full. If approved by the Town Arborist, in-lieu fees are as follows:

24 inch box tree = \$250
36 inch box tree = \$500

❖ Tree Protection Plan Checklist

- Site plan identifying the location, species, Diameter at Breast Height (DBH), and protective fencing at the Tree Protection Zone (TPZ) for each potentially impacted protected tree to remain – including protected trees on adjacent properties with canopies extending into or near the work area.
- Include the following notes on the plan:

Pruning or root pruning must be supervised by an ISA-certified arborist or an ASCA-Registered Arborist. See Section 29.10.1010 of the Town Code for specifications to determine if a pruning permit is required.

Tree protection fencing requirements:

1. Six-foot high chain link fencing mounted on two-inch diameter galvanized iron posts shall be driven into the ground at least two-feet deep at no more than ten-foot spacing. When stipulated, for existing paving areas that will not be demolished, posts may be supported by concrete base.
2. Posted eight and one-half-inch by eleven-inch sign on each tree fence stating: “Warning – Tree Protection Zone – This fence shall not be removed and is subject to penalty according to Town Code 29.10.1025”
3. Labeled photographs of the installed fencing shall be emailed to the project planner prior to issuance of permits.
4. Tree protection fencing is required to remain in place throughout construction.

Any protected tree on-site will require replacement according to its appraised value if it is damaged beyond repair as a result of construction.

❖ Arborist Report Checklist

- Date of report, address of project, property owner, arborist contact information.
- List of plans reviewed and date of plans.
- Brief description of work.
- Name of the designated Project Arborist for the job. Arborist must be an ISA-Certified Arborist or an ASCA-Registered Consulting Arborist.
- Note that the report is to be copied onto a plan sheet and become part of the final plan set.
- Note that the owner, contractor, and architect are all responsible for knowing the information included in the arborist report and adhering to the conditions provided.
- Tree Protection Plan as stated above.
- Inventory identifying the tree tag number, species, Diameter at Breast Height (DBH), condition ratings, and protection and maintenance recommendations for all protected trees potentially impacted – including protected trees on adjacent properties with canopies extending into or near the work area.
- Identify all study trees by tree tag number on a proposed plan sheet (e.g. grading and drainage sheet, etc.). Include a scale bar and a True North arrow on the tree map. Where possible, indicate the approximate scaled tree canopy “dripline” dimensions.

- Evaluation of potential impacts to all protected trees from proposed demolition or construction, including grading and/or excavation related to any proposed new utility installations, structural foundations, driveway and walkway base sections, storm drains, area drains, drainage swales, downspout drains, French drains, retaining walls, irrigation piping, and etc.
- Provide appraised values for all protected trees on-site recommended for protection and findings for any protected trees recommended for removal. Dollar value appraisal of each tree to be protected shall be conducted be per industry standards.