



# TREE REMOVAL PERMITS

The Planning Division regulates the removal of significantly-sized trees to improve the appearance of Sunnyvale, control soil erosion, pollution and dust, and provide shelter and food to birds and wildlife.

A Tree Removal Permit is required to remove any “protected tree” on private property. Removal or damage of any protected tree without an approved permit is unlawful and can result in fines or penalties (Sunnyvale Municipal Code 19.94). Removal of street trees, those in the parkway strip or public right-of-way, requires a different permit from the Trees and Landscape Division of the Department of Public Works. Please contact them at (408) 730-7506.

## CRITERIA TO REMOVE A TREE

One or more of the following criteria must be met before a Tree Removal Permit can be granted:

1. The tree is diseased or badly damaged.
2. The tree represents a potential hazard to people, structures or other trees.
3. The tree is in healthy condition but restricts the owners’ or a neighbor’s ability to enjoy the reasonable use or economic potential of the property. If this applies, the following factors below will be used to make a decision regarding removal:
  - The need to allow construction of improvements and to allow economic or reasonable enjoyment of property
  - The approximate age of the tree relative to its average life span
  - The limited useful landscape value due to its inappropriate species, size and location relative to the existing structures on the property
  - Site drainage, soil erosion, or soil stability considerations. Current and future visual screening potential
  - Overcrowding of trees unreasonably restricting the use of the land
  - Any other information the Director of Community Development finds pertinent to the application.

### DEFINITION OF PROTECTED TREES

- Any single trunk tree 38 inches or greater in circumference or 12 inches or greater in diameter
- Any multi-trunk tree which has at least one trunk 38 inches or greater in circumference OR where the measurements of the multi-trunks added together equal at least 113 inches

*The circumference or diameter of the tree is measured 4.5 feet above the ground.*

*If you have an existing approved landscape plan and you wish to remove a protected tree, you must revise the existing landscape plan through the Miscellaneous Plan Permit (MPP) process. No Tree Removal Permit will be required in addition to the revised landscape plan.*

## TREE REPLACEMENT STANDARDS

Preservation of existing healthy trees is a high priority of the City to maintain a healthy tree canopy in the community. Where a protected tree is approved for removal, a replacement tree(s) will typically be required to mitigate the loss of the tree as determined by the Director of Community Development. If a replacement tree is deemed infeasible by the Director, a tree replacement in-lieu fee shall be paid in accordance with the City's adopted Fee Schedule. Such fees will be used to fund the City's urban forestry program. Per Section 19.94.080 of the Zoning Code, the following applies for replacement trees:

(a) At the discretion of the director of community development, replacement trees may be required as a condition of issuance of a protected tree removal permit, or as a condition of any discretionary permit for development or redevelopment. The need for replacement trees shall be evaluated based on the following criteria:

- (1) The number, species, size and location of existing trees on the site; and
- (2) Good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support.

(b) At the discretion of the director of community development, other mitigation measures may be required, where either it is not feasible to plant any replacement trees on the site, or where the replacement trees to be planted are deemed inadequate by the director to sufficiently mitigate the effects of the removal of the tree(s). Mitigation measures could include, but would not be limited to, paying for the planting of additional trees in parks or other public areas of the city.

A report from a certified arborist will be required for new residential and commercial development projects as well as tree removal and landscape modifications on existing developments. The report is used to assess the condition and value of protected trees that are proposed for removal and to assist the City in determining required replacement trees and/or in-lieu fees.

For existing single-family homes, an arborist report is highly advised but not required. While the determination on replacement trees will depend on the size, condition, location, tree canopy and species of trees proposed for removal, the following guidelines shall apply (with exceptions considered for dead, unhealthy or hazardous trees or emergency situations):

Tree to be Removed	Replacement Tree(s)
12" - 18" diameter (36" -56" circumference)	One 24" box tree, or Three 15-gallon trees
18" - 24" diameter (56" -75" circumference)	One 36" box tree, or Two 24" box trees
Over 24" diameter (greater than 75" circumference)	One 48" box tree, or Two 36" box trees, or Four 24" box trees

If space permits, smaller size container trees are generally preferred over larger size boxed trees to maximize the quantity of replacement trees. Additionally, smaller size container trees usually adapt easier to soil conditions and over time may exceed the size of larger size boxed trees. However, if immediate screening or visual impact is desired and space is limited, larger boxed trees may be required. Where

insufficient space is available to plant all or some of the required replacement trees or other site conditions or uses limit the feasibility of replacement trees, the following tree replacement in-lieu fees shall be assessed.

Tree removal on properties without a Planning development application:

Replacement Tree	Tree Replacement In-Lieu Fee*
Each 24" box tree	\$400**
Each 36" box tree	\$800**
Each 48" box tree	\$1,600**

\* This fee does not include the tree removal permit fee.

\*\* Pending City Council approval with the FY 2015-16 Fee Schedule

Tree removal on properties with an active Planning development application:

For each tree where a replacement tree(s) cannot be provided, the tree replacement in-lieu fee shall be the value established by a certified arborist using the Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers.

**NOTE: REFER TO CHAPTER 19.94, TREE PRESERVATION, OF THE ZONING CODE FOR A FULL DESCRIPTION OF CITY REGULATIONS ON TREE PRESERVATION, PROTECTION AND REPLACEMENT.**

### DETERMINING THE REQUIRED PERMIT/PROCESS

The location of a tree proposed to be removed will determine the type of review and permit process required. Generally, trees located on private property are referred to as "Protected Trees" and removal requests are processed through a Tree Removal Permit Application which is processed through the Planning Division of the Community Development Department. Trees located near the street (public right-of-way) are referred to as a "City Street Trees" and removal requests are processed through the Trees and Landscape Division of the Public Works Department. The following table provides general guidance regarding the applicable permit process based on location.

Permit Process	Planting Strip	On Public Property*	Private Property**
Tree Removal Permits			✓
City Street Trees	✓	✓	

\* Public property (right-of-way) is typically 11 feet back from the face of curb. If the tree requested to be removed is near the right-of-way, you may contact the Trees and Landscape Division for verification.

\*\* Private property includes trees planted in street side and front yards outside of the street right-of-way.

## PLANNING DIVISION REVIEW

1. Submit a completed application. You may apply online at <http://ecityhall.sunnyvale.ca.gov/cd/> or submit a paper application, which can be obtained at City Hall or a PDF version on our website at [www.sunnyvaleplanning.com](http://www.sunnyvaleplanning.com)
2. The City Arborist makes a site visit to inspect the tree(s). By signing the application, you are authorizing the City arborist to look at the tree on your property. If you wish to be notified prior to the site visit, you will need to note that on the submitted application. This may slightly delay processing of your application.
3. The City makes a decision, usually within 2 weeks of application submittal.
4. The applicant is notified of the decision (either by mail or e-mail). If approved, the permit must be posted on the site within view of the nearest public right-of-way while the tree is being removed.
5. The property owner can appeal the decision to the Planning Commission within 15 days of the decision date.
6. The applicant/ property owner must notify the City of replacement tree planting by mailing or e-mailing the Tree Replacement Postcard, which is provided by the City at the time of application approval.

## PLANNING REVIEW APPLICATION REQUIREMENTS (1 COPY OF EACH ITEM)

- Application signed by the property owner. If the property is part of a Homeowner's Association, include a letter of approval from the Association.
- A detailed description of tree species and location (space provided on application).
- Reason for removal (space provided on application).
- Professional arborist report may be required. See description in brochure.