

DIVISION 2. - TREE PROTECTION

Amend the following Section as follows:

Sec. 29.10.0950. - Intent.

This division is adopted because the Town of Los Gatos is forested by many native and non-native trees, and contains individual trees of great beauty. ~~The health and welfare of the citizens community of the Town benefit from require that these trees be saved in order to~~ preserving the scenic beauty of the Town, preventing erosion of topsoil, providing protection against flood hazards and risk of landslides, counteracting pollutants in the air, maintaining climatic balance, and decreasing wind velocities. ~~Trees contribute significantly to the value of land in the Town.~~ It is the intent of this division to regulate the removal of trees within the Town in order to retain as many trees as possible consistent with the purpose of this section and the reasonable use of private property. ~~While trees contribute significantly to the scenic beauty of the Town,~~ provide multiple benefits, it is also the intent of this division to acknowledge that a portion of the Town is resides-located in a Very High Fire Hazard Severity Zone as defined by the California Department of Forestry and Fire Protection (CAL FIRE) and the associated wildfire threat that poseexists for the community. It is the intent of this division to preserve as many protected trees as possible throughout the Town through staff review and the development review process. Special provisions regarding hillsides are included in section 29.10.0987 of this division in recognition of the unique biological and environmental differences between the hillside and non-hillside areas of the Town. This section does not supersede the provisions of Chapter 26 of this Code.

Sec. 29.10.0955. - Definitions.

The following definition is added as follows:

Defensible Space means an area around the perimeter of a structures in which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structures.

Amend the following Section as follows:

Sec. 29.10.0970. - Exceptions.

The following trees are excepted from the provisions of this division and may be removed or severely pruned without Town approval or issuance of a tree removal permit:

- (1) A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).
- (2) Any of the following trees that are less than twenty-four (24) inches in diameter (seventy-five (75) inches in circumference):

Black Acacia (*Acacia melanoxylon*)

Tulip Tree (*Liriodendron tulipifera*)

Tree of Heaven (*Ailanthus altissima*)

Blue Gum Eucalyptus (*E. globulus*)

Red Gum Eucalyptus (*E. camaldulensis*)

Other Eucalyptus (*E. spp.*)-Hillsides only

Palm (except *Phoenix canariensis*)

Privet (*Ligustrum lucidum*)

- (3) Any removal or maintenance of a tree to conform with the implementation and maintenance of Defensible Space per Chapter 9 – Fire Prevention and Protection with the exception of any tree listed in subcategories (3) and (10) of Sec.29.10.0960 – Scope of Protected Trees.

Amend the following Section as follows:

Sec. 29.10.0992. - Required findings.

The Director, Director's designee, or deciding body shall approve a protected tree removal permit, severe pruning permit, or pruning permit for Heritage trees or large protected trees only after making at least one (1) of the following findings:

- (1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

- (2) The tree has a tree risk rating of Extreme or High on the ISA Tree Risk Rating Matrix as set forth in the ISA Tree Risk Assessment Best Management Practices, or successor publication.
- (3) The tree is crowding other protected trees to the extent that removal or severe pruning is necessary to ensure the long-term viability of adjacent and more significant trees.
- (4) The retention of the tree restricts the economic enjoyment of the property 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 or deciding body that there are no reasonable alternatives to preserve the tree.
- (5) 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.
- (6) The tree has caused or may imminently cause significant damage to an existing structure that cannot be controlled or remedied through reasonable modification of the root or branch structure of the tree.
- (7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.
- (8) The removal of the tree is unavoidable due to restricted access to the property.
- (9) The removal of the tree is necessary to repair a geologic hazard.
- (10) The removal of the tree and replacement with a more appropriate tree species will enhance the Town's urban forest.
- (11) The removal of the tree is necessary to conform with the implementation and maintenance of Defensible Space per Chapter 9 – Fire Prevention and Protection per direction by the Fire Chief or his/her designee.