

Tree Removal on Private Property Permit Application

REFERENCE

The residents of San José value trees and require their removal to be regulated, as expressed in [Municipal Code 13.32](#).

CONTACTS

PLANNING DIVISION

408-535-3555

The Planning Division reviews and issues permits for tree removal on private property.

CITY ARBORIST

408-794-1901

arborist@sanjoseca.gov

Contact the City Arborist for questions about:

- street trees
- trees on public property
- heritage trees on either private or public property

CODE ENFORCEMENT

408-535-7770

If you have a question or observation about a code violation pertaining to trees, contact the Code Enforcement Division.

San José Permit Center

San José City Hall
200 E. Santa Clara St.
San José, CA 95113
408-535-3555

www.sanjoseca.gov/planning

To apply for a permit to remove an ordinance-size tree on private property, please read these requirements and use the attached form. Some changes to the ordinance are effective February 9.

WHEN IS A PERMIT NEEDED?

Trees clean the air, beautify our community, are home to wildlife, provide shade, add property value and offer many other benefits. That's why tree removal is regulated.

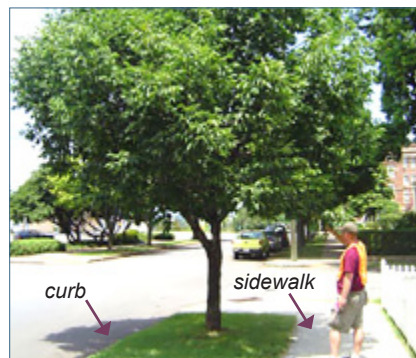
A permit is needed to remove a tree if the tree is:

- a street tree;
- a heritage tree;
- an ordinance-size tree, live or dead; or
- any tree of any size located on multifamily, commercial, industrial, or mixed use property or in a common area; see page 2.

You may remove the tree without a permit, if none of these conditions apply.

Street Trees. Street trees are located in the public right-of-way between the curb and sidewalk; in some locations, the public right-of-way may be up to 12 feet from the curb. The City's Department of Transportation provides **no-cost permits** for pruning street trees and oversees their removal. It is **illegal** to prune or remove a street tree without a permit; fines up to \$15,000 per tree may apply. Obtain a permit by visiting the [Street Trees and Permits](#) web page.

Heritage Trees. A heritage tree is unique for its history, size, or species. It is **illegal** to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit; fines up to \$30,000 per tree may apply. Visit the [Heritage Tree Map](#) or contact the City Arborist to determine if your tree is a heritage tree.



Example of a street tree.

Ordinance-Size Trees. A permit is required to remove a tree on a single-family or duplex lot once it reaches a specific size in circumference, even if unhealthy or dead. A permit is required to remove a tree of any size on multifamily, commercial or industrial lots.

An ordinance-size tree is:

- **Single Trunk** - 38 inches or more in circumference - at 4 1/2 feet above ground; or
- **Multi-trunk** - The combined measurements of each trunk circumference (at 4 1/2 feet above ground) add up to 38 inches or more.

APPROVAL PROCESS

An application to remove an ordinance-size tree will be considered for approval if it can be verified that the tree is:

- a safety hazard;
- dead, dying, or diseased;
- unsuitable; or
- restricts economic development and proposed improvement of a parcel.

Safety Hazards. If an Ordinance-size tree on private property presents an imminent safety hazard, bring the permit application to the City's Permit Center for over the counter review (Phone: 408-535-3555). Imminently hazardous private trees go through the Unsuitable Tree Process. If the tree is a street tree or heritage tree, immediately contact the City Arborist at 408-794-1901.

Removal of Dead, Dying or Diseased Trees.

Ordinance-size trees lacking enough live branches or green leaves to sustain life and not simply dormant may qualify for removal.

Here is the permit process:

- Submit this application with a certified arborist report.
- There is no public notice. Dead tree permits are typically approved or denied over the counter.
- The Department Director or designee evaluates the application and makes a final decision (no appeals).

Removal of Unsuitable Trees. An ordinance-size tree may be deemed unsuitable if any of the following conditions apply:

- The tree trunk is 5 feet or less from the single-family or duplex residence, secondary unit or garage.
- The tree is a species that the City Council has identified as being unsuitable for single-family and duplex lots. The list includes: Eucalyptus, Liquidambar, Pine, Tree of Heaven, Tulip tree, and Palm tree (unless in the Palm Haven Conservation Area). This list does NOT apply to street trees.

For multi-family properties:

- The tree trunk is 5 feet or less from the multi-family residence.

For all properties:

- The tree trunk is 5 feet or less from the centerline of a below-ground utility line or pipe.
- A tree that creates an Imminently Hazardous condition.

The permit process for removing an unsuitable tree entails:

- Submit this application.
- There is no public notice or Director’s Hearing.
- The Department Director or designee evaluates the application and makes a final decision (no appeals).

Removal of Live Trees. If removing a live, ordinance-size tree, here is the permit process:

- Submit this application with fee payment as applicable.
- The City will issue mail notices as part of a ten-day public notice period. The applicant will also post a notice in the front yard.
- The public can request a Director’s Hearing during the notice period. If a hearing is requested, a Director’s Hearing will be held.

REPLACEMENT TREES ARE REQUIRED

You must replace each ordinance-size tree that you remove.

- **Single-family/duplex lots:** Replace with a minimum 15-gallon tree.
- **Other properties:** Contact the Planning Division for information about replacement trees.

Low-Cost Replacement Trees. Please contact the Planning Division at 408-535-3555 if you need to consider this option.

The Federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading of migratory birds. Migratory birds protected under this law include all native birds and certain game birds (e.g., turkeys and pheasants). This Act encompasses birds, bird nests and eggs. The MBTA protects active nests from destruction and all nests of species protected by the MBTA, whether active or not, cannot be possessed. An active nest is one having eggs or young. Nest starts, prior to egg laying, are not protected from destruction.

TREE REMOVAL ON MULTIFAMILY, COMMERCIAL AND INDUSTRIAL PROPERTIES

On these types of properties, a permit is required to remove trees of any size. For ordinance-size trees, complete this application and submit the original landscape plan with the application. For a non ordinance-size tree, complete a [Permit Adjustment Application](#). Contact a planner at 408-535-3555 if you have questions about tree removal.

FEES

This chart shows tree removal fees, which include the permit application, electronic exemption, public noticing, and General Plan update fees, at the time of printing of this bulletin. Additional fees may apply based on number of public notices sent out. The City may adjust fees at any time.

| Category of Tree | Single-family Lots | Duplex Lots | Commercial/Industrial and Multifamily Lots |
|------------------|--------------------------------------|--------------------------------------|--|
| Dead | \$0 | \$0 | \$329 |
| Unsuitable | \$0 | \$0 | \$0 |
| Live | \$362 per application (not per tree) | \$362 per application (not per tree) | 1 tree: \$1,172 2-5 trees: \$1,577 6+ trees: \$1,577 + \$50.63 for each additional tree over 5 |

Consult with a planner at 408-535-3555 if you need help calculating estimated total fees.

APPLICATION INSTRUCTIONS

Important: Be sure to provide the following required documents when you submit your application:

- **Tree description table and site plan.** See pages 3 and 4.
- **Photograph of each tree.** Take a color photograph showing the entire tree; print it on 8.5" X 11" paper.
- **Non-refundable fee** if required. Make check payable to: City of San José.
- Arborist report if necessary, such as with a live tree removal (not Unsuitable). City staff will review your application and inform you if a report is needed. If you already have a report, you may include it with your submission.

HOW TO SUBMIT

Bring the application, site plan, and photographs to the Permit Center Assistance Desk; no appointment needed. Be prepared to pay fee if applicable.

For service hours visit: www.sanjoseca.gov/permitcenter.

TREE REMOVAL PERMIT APPLICATION FORM

By Hand: Use INK and PRINT clearly. By Computer: Download a fillable form at www.sanjoseca.gov/planning.

1. PROPERTY AND CONTACT INFORMATION

ASSESSOR'S PARCEL NUMBER [CLICK HYPERLINK OR SEE PROPERTY TAX BILL:](#)

PROPERTY ADDRESS NUMBER: _____ STREET: _____ CITY: San Jose ZIP: _____

THE PROPERTY IS **CHECK ALL THAT APPLY:** SINGLE-FAMILY DUPLEX MULTIFAMILY
 COMMERCIAL or MIXED USE INDUSTRIAL PRIVATE LOT CORNER LOT

| NAME | MAILING ADDRESS | EMAIL/PHONE |
|----------------------------------|-----------------|-------------|
| PROPERTY OWNER: | | EMAIL: |
| | | PHONE: |
| CONTACT IF DIFFERENT FROM OWNER: | | EMAIL: |
| | | PHONE: |

• **SIGNATURE** of Property Owner: _____ **DATE:** _____

2. TREE EVALUATION

| Answer | Question | FOR CITY USE ONLY |
|--|--|---|
| | a. How many trees in total are on the property? | <input type="checkbox"/> LIVE <input type="checkbox"/> DEAD <input type="checkbox"/> UNSUITABLE |
| | b. How many trees do you plan to remove? | File#: |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | c. Is any tree proposed for removal on the City's Heritage Tree List? (page 1) | Prior File#: |
| | Of the trees you plan to remove: | District: |
| | d. How many present an imminent hazard or safety risk? | Gross Acres: |
| | e. How many are diseased? | By: |
| | f. How many are dead or dying? | Date: |
| | g. How many are 5 feet or less from a dwelling, secondary unit, garage or multi-family building? | Notes: |
| | h. How many are 5 feet or less from center of an underground utility line? | |
| | i. How many are on the City's Unsuitable Tree Species List (page 2) | |

3. TREE DESCRIPTION TABLE [SEE EXAMPLE ON PAGE 4. COPY TO ANOTHER SHEET IF MORE THAN 10 TREES.](#)

| ALL TREES ON SITE | | DESCRIBE REASON FOR REMOVAL OR REPLACEMENT TREE | TREES TO BE REMOVED | | |
|---|--------------------------------|---|----------------------|-------------------------------|---|
| List species of each tree. Show corresponding # on Site Plan. | Remove, Remain or Replacement? | | Circumference inches | Distance to Trunk feet-inches | List birds or animals living in tree if any * |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |

*The project manager processing the permit may require additional information.

Here are examples of the required **Tree Description Table** and **Site Plan**.

For the distance of a structure or utility line to the tree trunk ONLY if this is the reason for removal; otherwise leave blank.

Measured at 4 1/2 feet above ground.

EXAMPLE: TREE DESCRIPTION TABLE

| ALL TREES ON SITE | | DESCRIBE REASON FOR REMOVAL OR REPLACEMENT TREE | TREES TO BE REMOVED | | |
|---|--------------------------------|--|----------------------|-------------------------------|---|
| List species of each tree. Show corresponding # on Site Plan. | Remove, Remain or Replacement? | | Circumference inches | Distance to Trunk feet-inches | List birds or animals living in tree if any |
| 1. Birch, street tree | remain | | | | |
| 2. Sycamore | remove | Anthracoese disease, roots are wrapping sewer line | 60" | 4' | birds |
| 3. Crape Myrtle | remain | | | | |
| 4. Palm | remove | Unsuitable species, too close to house | 59" | 4' 11" | squirrels |
| 5. Crape Myrtle | replacement | 15-gallon tree to replace Tree #1 Sycamore | | | |
| 6. Crape Myrtle | replacement | 15-gallon tree to replace Tree #4 Palm | | | |

EXAMPLE: SITE PLAN

Use a 8.5x11-inch sheet and draw your property site, using this example to guide you. Show:

- Property lines
- All structures to scale
- All trees, labeled
- Street name

