

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
www.sanjoseca.gov/planning

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.

**Development Services
 Permit Center**

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

www.sanjoseca.gov/permitcenter

INSTRUCTIONS. To apply for a permit to remove an ordinance-size tree on private property, please read these requirements and complete the attached form.

WHEN IS A PERMIT NEEDED?

Trees clean the air, beautify our community, are home to wildlife, provide shade, and offer many other benefits. A permit is needed to remove a tree if the tree is:

- a street tree or 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.

If none of the above conditions apply, you can remove the tree without a permit.

Street Trees. Street trees are those in the public right-of-way between the curb and sidewalk; in some areas, the public right-of-way may be up to 12 feet from the curb. The City’s Department of Transportation (DOT) 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. Get a permit by visiting DOT’s [Street Trees and Permits](#) web page.

Heritage Trees. A heritage tree is one that 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.

Ordinance-Size Trees. An ordinance-size tree is:

- **Single Trunk** - 38 inches or more in circumference at 4 ½ feet above ground; or
- **Multi-trunk** - The combined measurements of each trunk circumference (at 4 ½ feet above ground) add up to 38 inches or more.

On single-family or duplex lots, a permit is required to remove an ordinance-size tree, even if it is unhealthy or dead.

On multifamily, commercial, or industrial lots, a permit is required to remove a tree of any size. A Tree Removal Permit is required if the tree is ordinance-size. A [Permit Adjustment](#) is required if the tree is smaller than ordinance-size.

APPROVAL PROCESS

A permit 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, it may qualify for an over-the-counter (same day) Unsuitable Tree Removal Permit. Please bring the completed application and required materials to the Permit Center to obtain the permit. If the tree is a street tree or heritage tree, immediately contact the City Arborist at 408-794-1901.

continued >



Left:
 Example of a street tree.



Right:
 Example of a heritage tree.

Removal of Dead, Dying or Diseased Trees. Ordinance-size trees that are dead or dying (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.
- The Department Director or designee evaluates the application and makes a final decision (no appeals). There is no public notice or Director's Hearing.

Removal of Unsuitable Trees. The definition applying to unsuitable trees and removal of unsuitable trees follows. Ordinance-size trees may be deemed unsuitable and qualify for removal if any of the following conditions apply:

For single-family and duplex lots:

- The tree trunk is 5 feet or less from the existing residence, secondary unit or garage.
- The tree trunk is 5 feet or less from the centerline of a below-ground utility line or pipe.
- The tree is on the City's List of Unsuitable Trees, which are certain tree species identified as being unsuitable for single-family lots, and 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 or trees on duplex, multifamily, or commercial/industrial properties.

For multifamily lots: The tree trunk is 5 feet or less from the existing multifamily residential building.

For all land uses: The tree trunk is 5 feet or less from the centerline of a below-ground utility line or pipe.

The permit process for removing an unsuitable tree entails:

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

Removal of Live Trees. Removing a live, ordinance-size tree, for reasons other than disease or unsuitability, such as in the case of enabling development of a property, requires a clear case and more evaluation. Here is the permit process:

- Submit this application with fee payment.
- The Department Director or designee evaluates the application and makes an initial decision.
- The City will mail notices of the pending decision to adjacent properties as part of a ten day public notice period.
- A Director's Hearing will be held only if requested during the ten day period; if no hearing is requested, the initial decision is final.

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. Our City Forest is a local

nonprofit that promotes the health of San José's urban forest, and operates a nursery in central San José that provides trees and plants on a tax-deductible donation basis. For more information, call **408-998-7337** or visit www.ourcityforest.org.

TREE REMOVAL ON MULTIFAMILY, COMMERCIAL AND INDUSTRIAL PROPERTIES

On these types of properties, a permit is required for the removal of trees of any size. For ordinance-size trees, complete this application and submit the original landscape plan with the application. If not an ordinance-size tree, complete a [Permit Adjustment Application](#) instead. Contact a planner at 408-535-3555 if you have questions about tree removal.

PERMIT FEES

Tree removal permit fees include review of the application, electronic exemption, public noticing, and General Plan update fees. Additional fees may apply based on number of public notices sent out. Fees shown below are as of date of this bulletin. For the current fee schedule, visit www.sanjoseca.gov/PlanningFees.

Fees for Unsuitable or Dead Tree Removal Permits

All types of properties:

\$226 for one tree

\$32 for each additional tree to be removed

Fees for a Live Tree Removal Permit

\$2,095 - Single-family and duplex properties

\$2,419 - All other property types

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

APPLICATION INSTRUCTIONS

You **MUST** provide the following required documents when you submit your application.

- **Tree description table and site plan.** See pages 3 and 4.
- **Clear photograph of each tree.** Provide a clear, color photograph showing the entire tree, printed or mounted on 8½ x11" paper. If seeking to remove a tree that is 5' or less from a structure, include a tape measure in the photograph that extends from the tree to the primary residence.
- **Non-refundable fee** if required. Make check payable to: City of San José.

An arborist's report may be required. After reviewing your application, City staff may require you to submit a report from a licensed arborist; a report is typically required for dead and hazardous trees. 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 any applicable fees. 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/PlanningApplications.

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 or 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.					

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 ½ 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	Anthrachnose 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" sheet and draw your property site, using this example to guide you. Show:

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

