

TREE REMOVAL ON PRIVATE PROPERTY PERMIT APPLICATION

Recognizing the benefits of trees, the San José City Council adopted the Tree Removal Controls Ordinance, [Municipal Code 13.32](#). This ordinance regulates tree removal as explained in the following pages. For questions:

- **Trees on private property** - Call a City Planner at **408-535-3555**; press 1 and then press 5 during the phone service hours shown at www.sanjoseca.gov/Planning.
- **For street trees, heritage trees, or trees on public property** - Call the City Arborist at **408-794-1901** or email arborist@sanjoseca.gov.
- **For a code violation such as illegal tree removal** - Contact Code Enforcement at **408-535-7770**.

Para información en español, comuníquese con un Planificador de la ciudad al **408-793-4100**.

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4173**.

INSTRUCTIONS

Instructions vary according to the type of property and condition of the tree. Please carefully read the following information to determine how you should proceed.

WHEN IS A TREE REMOVAL PERMIT NEEDED?

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

- a street tree or a heritage tree;
- an ordinance-size tree on a single-family/duplex property; or
- a tree of any size on a multifamily, commercial, or industrial property.

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

STREET TREES

Street trees are located between the curb and sidewalk, in the public right-of-way. In some areas, this public right-of-way may be up to 12 feet from the curb.

The City Department of Transportation (DOT) provides no-cost permits for pruning street trees and oversees

their removal; see [Street Trees and Permits](#). It is illegal to prune or remove a street tree without a permit; fines up to \$15,000 per tree may apply.

HERITAGE TREES

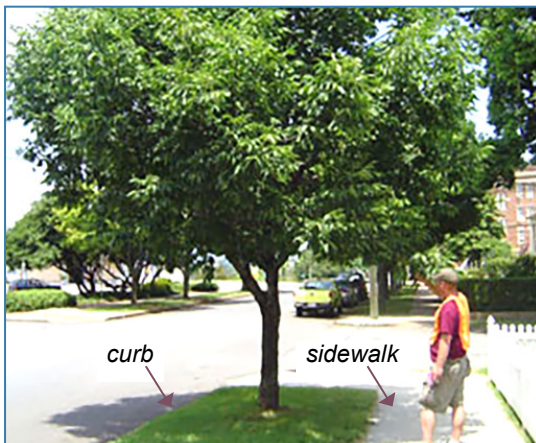
A heritage tree is unique for its history, size, or species. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit; fines up to \$30,000 per tree may apply. Visit the [Heritage Tree Map](#) or contact the City Arborist to determine if your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

ORDINANCE-SIZE TREES

An ordinance-size tree is a tree on private property that measures:

- *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, total 38 inches or more.

Example of a street tree



Example of a heritage tree



An application to remove a tree may be considered for approval if it can be verified that the tree is:

- an imminent hazard;
- dead or dying;
- unsuitable; or
- unreasonably restricts economic development or the proposed improvement of a parcel.

IMMINENT HAZARD TREES

An imminent hazard is a condition that presents an immediate threat to health, safety, or general welfare of persons, property, or the public and requires immediate action to abate.

IMPORTANT: You must obtain a report signed by a certified arborist. The report must clearly state that the tree presents an immediate threat to health, safety, or general welfare of persons or property and/or the public which requires immediate action to abate.

Process

If the imminent hazard tree is also a street or heritage tree, immediately call the City Arborist at 408-794-1901.

If the tree is of any size on multifamily, commercial, or industrial property or is ordinance-size on a single-family or duplex property, for fastest processing:

- Submit the application (page 5), signed certified arborist report, and fee payment (same fee as for an Unsuitable Tree) at the City Hall Permit Center, Monday-Friday between 9:00–11:00 a.m. and 1:00–3:00 p.m.
- If approved, a same-day permit will be issued.

DEAD OR DYING TREES

Dead or dying trees are not simply dormant but are in an advanced state of decline, **beyond repair**, and may lack enough live branches or green leaves to sustain life.

Process

- Submit the application (page 5) with fee payment.
- A signed certified arborist report is required if photos alone cannot document that the tree is dead or dying.
- The Department Director or designee evaluates the application and makes a final decision (no appeals). There is no public notice or Director Hearing.

UNSUITABLE TREES

Trees may be deemed unsuitable if any of the following conditions apply:

Single-family/duplex property (ordinance-size tree only):

- Tree trunk is 5 feet or less from the existing residence, accessory dwelling unit (ADU), or garage.

- The tree trunk is 5 feet or less from the centerline of a below-ground utility line or pipe.
- Tree is on the City’s List of Unsuitable Trees. This list applies only to single-family and duplex properties and NOT to multifamily or commercial/industrial properties. The list includes:
 - Eucalyptus
 - Liquidambar
 - Pine
 - Tree of Heaven
 - Tulip tree
 - Palm tree (except in Palm Haven Conservation Area)

Process

- Submit the application (page 5), site plan, and photographs with fee payment. As applicable, show a tape measure in the photographs to show the distance of the tree trunk to a building or unearthened utility line or utility line markings. [811](#) can mark public utility lines off the property; use a private utility locating service to mark utility lines on the property.
- The Department Director or designee reviews the application and makes a decision; no appeal is allowed. There is no public notice or Director Hearing.

Multifamily property (any size tree):

- Tree trunk is 5 feet or less from the existing residential building, accessory dwelling unit (ADU), or garage.
- The tree trunk is 5 feet or less from the centerline of a below-ground utility line or pipe.

Commercial/Industrial property (any size tree):

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

Process

- Submit the application (page 5), site plan, and arborist report (if required) with fee payment. As applicable, show a tape measure in the photographs to show the distance of the tree trunk to a building or utility line.
- The Department Director or designee reviews the application and makes a decision; no appeal is allowed. There is no public notice or Director Hearing.

REMOVAL OF LIVE TREES

Removing a live ordinance-size tree for reasons other than dead or unsuitability, such as for enabling development of a property, requires a clear case and more evaluation.

Process

- Submit the application (page 5) with fee payment.
- A signed, certified arborist report supporting the Live Tree Removal findings per [Section 13.32.100](#) is required unless the tree(s) proposed for removal are within 5 feet of a proposed ADU being permitted under [Section 20.80.176](#) when no other placement or design options are feasible. For all other proposed buildings, additions, or structures consider alternative designs to preserve tree(s).
- The Department Director or designee evaluates the application and makes an initial decision.
- The City will mail notices to adjacent properties to allow for a 10-day public notice period. If requested during this period, a Director Hearing will be held; otherwise, the initial decision is final.

REPLACEMENT TREES ARE REQUIRED

Any ordinance-size tree that is removed must be replaced:

- The proposed location of the replacement tree should be shown on the site plan.
- **Single-family/duplex property:** Replace with minimum 15-gallon tree.
- **Other properties:** [See Replacement Tree Ratio table on Page 6 below.](#)

In-Lieu Fee Option

If you are unable to replace the tree on-site, you may instead pay an in-lieu fee to the City of San José and the City will plant a replacement tree on a different site within San José. Please see the [Planning Fee Schedule](#) for the off-site tree replacement fee.

TREE REMOVAL ON MULTIFAMILY, COMMERCIAL, AND INDUSTRIAL PROPERTIES

On these types of properties, removing a tree of any size requires a permit.

Process

For Ordinance-Size Trees

- Submit the application (page 5) with fee payment.
- Include the site plan of the landscape plan.

For Non-Ordinance-Size Trees

- Complete a [Permit Adjustment Application](#) instead of this application.

FEES

Your initial payment covers the base application fee which includes estimated staff review time, public noticing, and a General Plan update fee. Additional fees may be incurred for every additional 1/4 hour worked beyond the estimated staff review time. See current Tree Removal fees at [Planning Fee Schedule](#).

APPLICATION PACKAGE

HOW TO SUBMIT

You may submit online or by appointment:

- **For Live, Dead, and Unsuitable Tree Removals: Submit online.** Save all forms/documents as PDF files and submit online at www.SJPermits.org. After creating an account, select these options at “Add Application”:

 - Application Group: Planning
 - Application Type: Tree Removal Permit
 - Application Sub Type: Dead Tree, Live Tree, or Unsuitable Tree
 - Application Work Type: Multifamily lot, Non-Residential lot, Two-family lot, or Single-Family Residence, private lot.
 - Upload the applicable submittal items under each individual attachment type: application, photographs, plan set/site plan, and other your submittal will not be placed in the queue for review until all required attachment types have been uploaded.

- **For Dead and Unsuitable Tree Removals Only: Virtual or In-Person Appointment.** Select either the in-person link for Tree Removal at www.sanjoseca.gov/PlanningApplications.

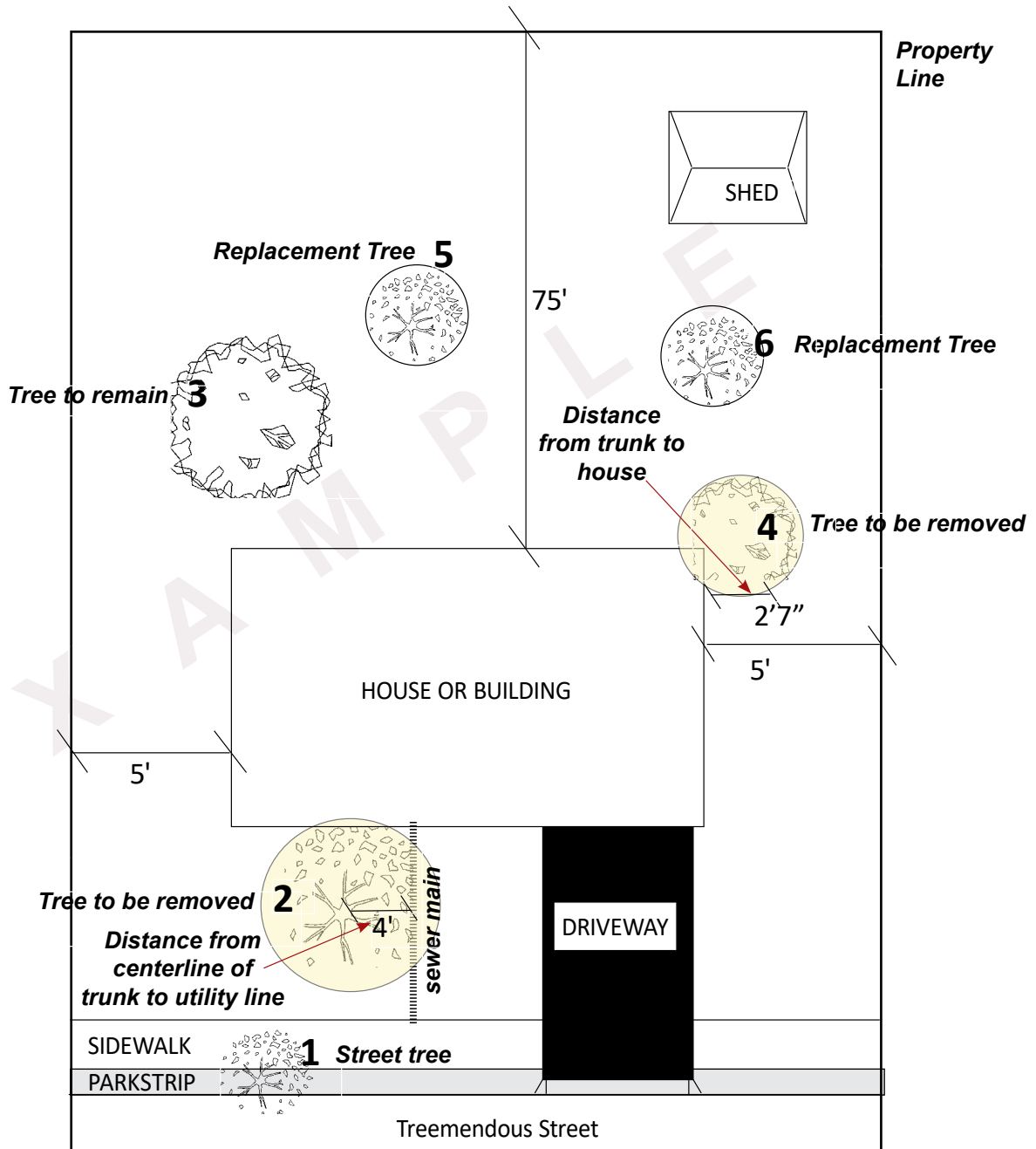
WHAT TO SUBMIT

- This application**, completed and signed.
- A site plan.** See example on page 4.
- Photograph/s.** For each tree proposed for removal, provide clear color photos of the entire tree. For a tree that is 5' or less from a building, show a tape measure in the photo, extending from the trunk to the building.
- Fee payment.** See payment methods at www.sanjoseca.gov/PlanningApplications.
- Licensed arborist's report if required.** See page 2 and 3 for when a signed, certified report is required. Visit TreesAreGood.org for help finding a licensed arborist.

SITE PLAN INSTRUCTIONS - A Site Plan must accompany your application. Use an 8.5x11" sheet and draw your property site, using the example below to guide you. Show:

- Property lines
- Street name
- All structures to scale
- All trees on the site, labeled. The numbering of the trees should correspond to the listing of trees in the Tree Description Table on the application form.

EXAMPLE SITE PLAN



EXAMPLE OF TREE DESCRIPTION TABLE

This table shows how to complete Section 4 of the Tree Removal Application on page 5.

- Circumference - Measure at 4 ½ feet above ground. If there are multiple trunks or branches at 4 ½ feet, combine the measurements of each trunk circumference.
- Distance to Trunk - Leave blank unless you are showing the distance of trunk to a structure or utility line.

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?		Circum- ference <i>inches</i>	Distance to Trunk <i>feet & inches</i>
1. Birch, street tree	remain			
2. Sycamore	remove	Anthraco-nose disease, roots are wrapping sewer line	60"	4'
3. Crape Myrtle	remain			
4. Palm	remove	Unsuitable species, too close to house	59"	4' 11"
5. Coast Live Oak	replacement	15-gal. tree to replace Tree #1-Sycamore on Site Plan		
6. Espresso Kentucky Coffee Tree	replacement	15-gal. tree to replacement Tree #4-Palm Tree on Site Plan		

TREE REPLACEMENT RATIOS

Single-family and duplex properties require permits for ordinance-sized trees (38" circumference or more) and must replace them at a 1:1 ratio. Multi-family, commercial, and industrial properties require permits for removal of trees of any size, with replacement ratios that vary based on tree type and size. See table below

CIRCUMFERENCE OF TREE TO BE REMOVED	TYPE OF TREE TO BE REMOVED			MINIMUM SIZE OF EACH REPLACEMENT TREE
	Native	Non-Native	Orchard	
38 inches or more*	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

A 38-inch tree equals 12.1 inches in diameter.

x:x + tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.

A 24-inch box tree can be planted for two 15 gallon trees.

Single-family and two-dwelling properties may be mitigated at a 1:1 ratio.

Applications for Live Tree Removal Permits where the tree was previously removed without benefit of permit are subject to double the replacement ratios.

Please see [The Suitable Replacement Tree](#) and [Trees Not Recommended for Planting](#) for recommendations.