

# FAQ: Heritage Tree Regulations

## Why do I need a permit to remove or prune my own tree?

In 1979 the City enacted regulations to preserve healthy heritage trees whenever possible. The primary goal is to ensure a significant number of large, healthy trees over the long term in Menlo Park. A permit is required to remove or heavily prune trees of heritage size.

## What is the definition of a heritage tree in Menlo Park?

- 1) Any tree having a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more, measured at 54 inches above natural grade.
- 2) Any oak tree native to California, with a circumference of 31.4 inches (diameter of 10 inches) or more, measured at 54 inches above natural grade.
- 3) Any tree or group of trees specifically designated by the City Council for protection because of its historical significance, special character or community benefit. (There are none at this time.)

## How do I measure a tree that has multiple trunks?

Measure at the point where the trunks divide, with the exception of multi-trunk trees that are under 12 feet in height, which are exempt.

## How much of a heritage tree can I prune without a permit?

Up to one fourth of canopy and/or roots.

## Where could I get an application to remove or heavily prune a heritage tree?

- City Administration Building (1<sup>st</sup> floor lobby)
- City website: <http://www.menlopark.org/departments/pln/htree/htree.htm>
- Call Public Works Department at 650.330.6740

## What do I need to submit to the City for a permit application to remove or heavily prune a Heritage tree?

- Completed Application Form
- Payment (check for fee)
- Completed Certified Arborist Form

## Is there a fee for the permit?

\$135 per tree for first three trees and \$90 for each additional heritage tree on the property (applied for at same time). No fee for 100% dead trees.

## What does this fee cover?

This fee partially covers the cost of processing the permit, including an evaluation of the tree by the City Arborist.

### **Do I need a permit to remove a dead heritage tree?**

Yes, but there is no fee and no arborist form is required.

### **Why do I have to have a private certified arborist complete the arborist form?**

Arborists verify the type and size of tree and its condition. They can suggest alternatives to removal, such as pruning, and will provide the owner with an estimate for the tree work.

### **Heritage tree -- Development related applications**

Site plans must accompany the permit application, with tree protection measures, and plans for replacement of removed heritage trees.

### **Could the City Arborist come out and take a look at my tree before I apply for a permit?**

No. He will evaluate your tree after the application has been submitted. Exception: if the tree is a street tree, the City takes responsibility for the removal.

### **Can the City recommend a certified arborist?**

No, the City cannot recommend an arborist; it is suggested that you refer to the yellow pages. Look for "ISA Certified" designation. The tree company should also have a business license with the City before performing any work.

### **How long does it take to get a permit approved?**

In most cases it takes approximately 3 weeks. It may take longer if the application is related to a construction development project.

### **On what basis does the City Arborist approve a permit?**

Generally, most trees are approved for removal if they are diseased, hazardous, dead or nearly dead, or interfering with buildings or structures.

The ordinance lists the following considerations to be used in determining whether there is good cause for removal or heavy pruning of a heritage tree:

- (1) The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;
- (2) The necessity to remove the tree or trees in order to construct proposed improvements to the property;
- (3) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;
- (4) The long-term value of the species under consideration, particularly life-span and growth rate;
- (5) The ecological value of the tree or group of trees, such as food, nesting, habitat, protection and shade for wildlife or other plant species;
- (6) The number, size, species, age distribution and location of existing trees in the area and the effect the removal would have upon shade, privacy impact and scenic beauty;
- (7) The number of trees the particular parcel can adequately support according to good arboricultural practices;

(8) The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).

### **What happens after I submit my application?**

- The City Arborist will review the application and the arborist form, visit the property, and evaluate the tree and related conditions on the property.
- He will then either approve a permit or request further review by staff. He will post a notice on or near the tree stating the reasons for permitting removal (or heavy pruning) and the process for inquiries, comments or appeals for up to 15 days after posting.
- Staff will also mail notices to property owners and residents within 100 feet surrounding the applicant's property.
- If the City Arborist approves the permit, and there are no written appeals of his decision, a permit will be mailed to the owner of the property.
- If the permit is approved, a copy of it must be in possession of the tree company on site during the tree work.
- If further review of the application and comments are required, staff will strive to issue a decision in a reasonable period of time.

### **How do I find out when my permit has been approved?**

You will receive in the mail a copy of your application with the City approval or disapproval indicated at the bottom.

### **Can I appeal the decision?**

Any Menlo Park resident or property owner may appeal the permit decision to the Environmental Quality Commission within 15 days after the decision date. There is an appeal fee of \$100 per appeal.

### **Do I have to plant a replacement tree?**

Yes. For residential properties, one tree must be planted for each tree removed. The City provides a list of recommended trees, but any species that will mature to a height of at least 30 feet is required. Replacement trees for development projects are two for one removed, or more in some cases.

### **What if I don't have any space on my property to replant a tree that has been approved for removal?**

The City Arborist will have to inspect the property and determine whether there is space for the replacement tree.

### **My neighbor has a tree that is causing damage to my property can the City do anything about it?**

The City cannot force the owner of the tree to remove it or prune it. It is recommended that you speak with each other to come up with a solution.

*If you have further questions, please use "Direct Connect" on the home page of the City website: [www.menlopark.org](http://www.menlopark.org)*

## **FAQ: City-Owned Trees**

### **Which trees are owned by the City?**

City trees are the trees growing in the City's street-right-of-way, outside of private property. If a tree is in question, you may call the Maintenance Division at 650-330-6780 for a determination.

### **Does the City of Menlo Park have a regular tree maintenance schedule?**

The City of Menlo Park maintains approximately 27,000 park and street trees. Due to the large number of trees maintained by the City, the emergency and most critical cases are scheduled first. Normally, street trees are pruned on a 5 year rotating schedule.

### **Can I remove the street tree in front of my house?**

No, only the City can remove street trees. Only trees that are dead, diseased or have serious structural problems are approved for removal.

### **If there is a City tree that appears unhealthy or needs pruning, where do I call?**

Call the Maintenance Division at 650-330-6780 and request a work order. City staff will inspect the tree and determine what needs to be done.

### **Does the City replace street trees that are removed?**

Yes, the tree will be replaced by the City. If you would like to see a list of replacement species, please contact the Maintenance Division at 650-330-6780.

### **If the City is replacing a City tree who is responsible for watering the tree?**

The homeowner is responsible for watering the tree and will receive instructions when the tree is planted.

### **The tree in front of my house was removed, but the stump is still there. When is the City going to remove it?**

Due to the utility lines underground, the City has to notify Underground Service Alert before grinding the stump. They will then mark the stump to identify utilities in the area around it.

### **Could I request a tree to be planted in front of my house?**

City Staff will need to visit and review the sidewalks easement and right of way in order to determine whether a tree can be planted. Please call the Maintenance Division at 650-330-6780.

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