TREE PERMIT APPLICATION
INSTRUCTIONS

Please utilize the **Is a Tree Permit Required** handout attached to this packet to determine if your project requires a tree permit. If so, please complete the attached **Tree Permit Submittal Requirements Checklist**, **Tree Permit Application**, the **Tree Mitigation Worksheet**, and the **Agreement for City Services**.

Note: An aerial map of the parcel indicating the tree's location is acceptable as a site map if details are clearly labeled.

For permit requests requiring a more detailed site plan or topographical survey, these must be clearly and legibly drawn to scale, using a standard architect's or engineer's scale. All plans or surveys must contain the name of the project owner/proponent and name of engineer, architect, or owner's representative, site address, and assessor's parcel number (or name of subdivision and lot number). All plans or surveys must contain a north arrow, scale, graphic (bar) scale, and unique sheet number. All plans or surveys shall be dated; all revised sets shall include revision date, and revised portions shall be clearly identified.

For all tree removal applications, you may submit a digital version of all application materials, as outlined in the Submittal Requirements Checklist to the Planning and Building Department at **planner@lovelafayette.org**. Alternatively, hard copies may be submitted in person during Planning Counter hours (12-5PM, Monday – Friday). Acceptable payments are check, Visa, MasterCard, and Discover; credit card payments can be processed via telephone. Once Planning Department staff has reviewed the application (within 30 days), the applicant will be notified of any necessary alterations to the plans, any additional submittals required, and the number and size of any additional set of plans required for the review process.

Planning Services Division
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549-1968
Tel. (925) 284-1976 • Fax (925) 284-1122
http://www.ci.lafayette.ca.us

Is a Tree Permit Required?

This form is intended to provide an owner/applicant with an overview of the tree regulations for a specific project. It is designed to be completed by a staff planner, however, it can be informative to the public as a blank form which outlines the triggers or thresholds for a tree permit. It does not constitute an entitlement or thorough analysis of the request. This review is current as of the date shown below. New regulations may be adopted or existing regulations may be amended or repealed subsequent to this review. A project is subject to the regulations in effect when the submitted application is deemed complete.

Property Address:		APN:	
Description of tree(s) to be removed:		Zoning District:	
		Flood Zone:	
Planner:		Date:	

Yes	No	If any of the following is "yes" then a tree permit is required.
☐	☐	DEVELOPED PROPERTY. Is it located on a developed property, has a trunk diameter $\geq$ 12" and of the following species: ▪ coast live oak (*Quercus agrifolia*) ▪ valley oak (*Quercus lobata*) ▪ canyon oak (*Quercus chrysolepis*) ▪ interior live oak (*Quercus wislizenii*) ▪ blue oak (*Quercus douglasii*) ▪ California bay (*Umbellularia californica*) ▪ white oak (*Quercus garryana*) ▪ California buckeye (*Aesculus californica*) ▪ black oak (*Quercus kelloggii*) ▪ madrone (*Arbutus menziesii*)
☐	☐	RIPARIAN TREE. Is it a native riparian tree with a trunk diameter $\geq$ 6" or has a multi-trunk with a diameter $\geq$ 4" and of the following species: ▪ bigleaf maple (*Acer macrophyllum*) ▪ arroyo willow (*Salix lasiolepis*) ▪ boxelder (*Acer negundo*) ▪ coast live oak (*Quercus agrifolia*) ▪ white alder (*Alnus rhombifolia*) ▪ valley oak (*Quercus lobata*) ▪ black walnut (*Juglans hindsii*) ▪ California bay (*Umbellularia californica*) ▪ cottonwood (*Populus fremontii*) ▪ California buckeye (*Aesculus californica*) ▪ red willow (*Salix laevigata*) ▪ blue elderberry (*Sambucus Mexicana, caerulea, or glauca*)
☐	☐	UNDEVELOPED PROPERTY. Is it located on an undeveloped property with a diameter $\geq$ 6" (of any species)
☐	☐	APPROVED DEVELOPMENT APPLICATION. Is it designated to be protected and preserved as part of an approved development application (of any size or species) - *check with a planner*
☐	☐	RESTRICTED RIDGELINE AREA. Is it a native tree within a restricted ridgeline area (of any size or species) - *check with a planner*
☐	☐	REPLACEMENT TREE. Is it a replacement tree planted as restitution for a violation of this chapter
☐	☐	STREET TREE. Is located within a public right-of-way or a private access easement (of any size or species)
☐	☐	DOWNTOWN TREE. Is located within a commercial zoning district (of any size or species)

Yes	No	What type of tree permit is required?
☐	☐	Is the protected tree on property not currently part of a development application or will not be part of a development application for at least 1 year from the date of the tree permit? (Category I permit)
☐	☐	Is the protected tree on property currently part of a development application in which the proposed construction may result in the destruction or removal of a protected tree? (Category II permit)

Definitions:
- "Destroy" means an action that kills or endangers the health or vigor of a tree, and includes removal, relocation, excessive or improper pruning, topping, grading, irrigation, application of chemicals, trenching within the drip line or protected perimeter, soil compaction within the protected perimeter, or damage caused to the trunk or primary limbs during construction.
- "Development application" means an application to subdivide, alter, develop or use a property that, if approved, will require the issuance of a development permit, including a building or grading permit that may potentially result in the removal or destruction of a protected tree.
- "Undeveloped property" means a vacant parcel without an existing legal dwelling unit as defined in Section 6-320.

TREE PERMIT APPLICATION
SUBMITTAL REQUIREMENTS CHECKLIST

Tree Permits are separated into two categories: a **Category I** request is not associated with a building permit or discretionary review application and a **Category II** request is associated with a building permit or discretionary review application. Hyperlinks are provided for easy reference to the applicable sections in the Lafayette Municipal Code. **Additionally,** the Tree Permit application and digital copies of all required documents may be submitted to planner@lovelafayette.org or to the Planner on Duty during counter hours 12PM – 5PM Monday thru Friday; credit card payment (for digital applications) may be submitted by calling (925) 284-1976**.**

TREE PERMIT SUBMITTAL REQUIREMENTS

APPLICATION and ATTACHMENTS

a. Standard application form.

b. This checklist completed and signed by the preparer with each box checked acknowledging submittal of the required item(s) and listing the corresponding sheet number(s). (Included in the Tree Permit packet.)

c. Agreement to Pay for City Services completed and signed. (Included in the Tree Permit packet.)

d. Arborist report concerning the health and quality of the tree(s) and possible alternative actions or mitigations.

e. Photographs showing the tree(s) and context (terrain, nearby structures, surrounding trees and vegetation, etc.)

f. Calculation of the number of mitigation trees per Section 6-1707 (g) of the tree protection ordinance, see attached worksheet.

g. Processing fee: credit card (Visa/MasterCard/Discover) or check (payable to City of Lafayette). To provide payment for a digital submittal of the Tree Permit request, please call the Planning Department, at (925) 284-1976 or visit us during Planning Counter Hours 12pm-5pm Monday - Friday.

CATEGORY I (Section 6-1706, LMC) - ADDITIONAL REQUIREMENTS

1. **NARRATIVE**

   Submit a letter justifying the permit request and response to the following topics:

   a. Health, condition, and form of the tree(s) to be removed and the reason for removal

   b. Number, size, and location of tree(s) to remain in the area;

   c. Relationship of the property to riparian corridors, a scenic or biological resource area, and/or a restricted ridgeline area;

   d. Role of the tree(s) in a grove or woodland habitat;

   e. Value of the tree(s) to the neighborhood in terms of visual effect, wind screening, and privacy;

   f. Damage caused by the tree to utilities, streets, sidewalks, and/or existing private structures or improvements;

g. Role of the tree(s) in mitigating damage, erosion, and/or geological stability impacts;
h. Health and condition of the area within the protected perimeter.

2. SITE PLAN

The Category I Tree site plan will:
   a. Show trees proposed to be removed with a prominent "X".
   b. Proposed locations of the mitigation trees to be planted. If site cannot accommodate the mitigation trees, in lieu fees will be required.

CATEGORY II (Section 6-1707, LMC) - ADDITIONAL REQUIREMENTS

1. NARRATIVE

Submit a letter justifying permit request and addressing the following topics, in addition to the eight topics required for Category I:
   a. Necessity for the tree(s) pruning or removal in order to construct a required improvement on public property or within a public right-of-way or to construct an improvement that allows reasonable economic enjoyment of private property;
   b. Extent to which a proposed improvement may be modified to preserve and maintain a protected tree(s); and
   c. Extent to which a proposed change in the existing grade within the protected perimeter may be modified to preserve and maintain a protected tree.

2. SITE PLAN

The Category II Permit site plan will:
   a. Show all existing trees $\geq$ 4" in diameter at 4.5' above grade within 100' of proposed development and label:
      i. Tree species
      ii. Diameter of trunk
      iii. Elevation at base of trunk
      iv. Field surveyed accurate driplines (generic symbols are not accepted)
      v. Tree identification number, provided by the arborist
   b. Include a table that identifies each protected tree, its diameter and species, and whether the tree is proposed to be pruned or removed;
   c. Identify the trunk location, diameter, species, and drip line of each protected tree within 50-feet of any proposed construction on the subject property and adjacent properties;
   d. Development applications that require a survey by a licensed surveyor or engineer require a field-verified topographical survey showing the trunk location, elevation at the base, diameter, species, and accurate drip line of each protected tree within 100-feet of any proposed construction on the subject property and adjacent properties
   e. Proposed locations of the mitigation trees to be planted. If site cannot accommodate the mitigation trees, in lieu fees will be required.

3. OTHER AGENCIES

If applicable provide evidence of compliance with the requirements of responsible agencies such as EBMUD or PG&E for the removal of the protected tree(s).

Applicant's Signature_____ **Date:** _____

I acknowledge that I have read the application instructions for a tree removal permit and have submitted the required documentation to Planning Department Staff. I agree to submit additional materials regarding my application, if requested to do so.

Protected Tree Replacement Calculation[1]

When the removal or destruction of a protected tree is permitted by the City, the applicant shall mitigate the removal by complying with the following requirement:

For each six-inches or its fraction of the diameter of the tree to be removed, two (2) 15-gallon trees *shall be planted. Tree's diameter measurement is taken at breast height (DBH). If multiple trees are being removed, calculations are done for each individual tree.*

Use this space to calculate the required mitigation based on the diameter at breast height of the tree to be removed:

_____" ÷ 6 = _____ round up = _____ x 2 = _____ 15-gallon trees
DBH of Tree

Examples:

___**33**___" ÷ 6 = ___**5.5**___ round up = ___**6**___ x 2 = ___**12**___ 15-gallon tree
DBH of Tree

___**12.5**___" ÷ 6 = ___**2.08**___ round up = ___**3**___ x 2 = ___**6**___ 15-gallon trees
DBH of Tree

For **Category I** permits see Submittal Requirements Checklist Section 2b; for **Category II** permits Section 2e for mitigation plan information

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[1] Please refer to the tree protection ordinance for guidance on species, size of replacement trees, payment of fees in lieu of planting, etc.

TREE PERMIT APPLICATION

PROJECT INFORMATION

Project Address / Location	Assessor's Parcel Number (APN)	Zoning District

APPLICANT INFORMATION				OWNER INFORMATION			
Applicant Name				**Owner Name**			
Applicant Address				**Owner Address**			
City		**State**	**Zip**	**City**		**State**	**Zip**
Phone ( ) -	**Cell** ( ) -			**Phone** ( ) -	**Cell** ( ) -		
Email (for official use only)				**Email (for official use only)**			

REQUIRED FOR APPLICATION SUBMITTAL

☐ **Tree Permit Application**   ☐ **In Lieu Fee / Mitigation Worksheet**
☐ **Tree Permit Submittal Requirements**
☐ **Narrative**
☐ **Site Plan Indicating Tree Location**
☐ **Arborist Report/Letter**
☐ **Photos of Tree(s)**
☐ **Application Fee**
☐ **Agreement for City Services (ACS)**

OWNER / AGENT STATEMENT

Property Owner Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application. I hereby grant permission to access the property to individuals involved in the processing of the subject application(s). I agree to defend, indemnify and hold harmless the City, its agents, officers, officials, and employees from all claims, demands, lawsuits, writs of mandamus, and other actions or proceedings (collectively "Actions") brought against the City or its departments, commissions, agents, officers, officials, or employees to challenge, attack seek to modify, set aside, void or annul any City decision made in connection with this application. In the event the City becomes aware of any such Actions, the City shall promptly notify me and shall cooperate fully in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and I shall reimburse City for any attorney's fees, costs and expenses, including any plaintiff's or other third party's attorneys' fees, costs and expenses, directly and necessarily incurred by the City in the course of the defense.

Print Name	Signature	Date

City of Lafayette
Planning & Building Department

AGREEMENT TO PAY FOR CITY SERVICES

Complete and submit this form with the development application.

In consideration for the City providing the services described in this Agreement, the undersigned agrees as follows:

1. The City services requested relate to development application number _____, property in the City of Lafayette located at _____, assessor's parcel number _____.

2. This Agreement is for services and fees that are in addition to the planning fees paid upon the filing of the referenced development application. I agree to pay for the additional charges imposed by the City for staff time spent processing the application based upon an hourly rate established by resolution of the City Council. These services include but are not limited to City staff time spent for engineering and other City administrative services regarding the application. In addition, I agree to pay for services of consultants retained by the City and required by it in connection with the development application at the hourly rate charged by each consultant to the City. These services include but are not limited to legal, landscaping, traffic engineering and environmental services and may also include the costs associated with such services such as mileage and photographic copies.

3. The City will bill for the services performed under this Agreement upon a monthly or other periodic basis. If at any time the balance due exceeds $500.00, the City may cease processing the application, prepare a recommendation for taking action on the application and present the application to the appropriate hearing body for final action.

4. The development application account will remain open until it is paid in full. Final payment in full is due as follows:

    a. In the case of a subdivision, upon release of the final improvement bond or when conditions of approval are satisfied, which ever is later in time;

    b. In the case of all other applications, when the City authorizes Contra Costa County to issue final building inspection clearance or when work for which a permit is issued is completed;

    c. If an application is denied, upon expiration of the appeal period or upon a final decision on appeal;

    d. If an application is withdrawn, when all remaining staff work on the application is completed;

    e. Upon the expiration of 12 consecutive months during which there was no activity on the application.

5. The undersigned is responsible for the payment of the costs and charges involved with the application even though the property or project is sold or assigned to another party. If the undersigned desires to transfer payment responsibility to another, it is the undersigned's responsibility to have this Agreement replaced by a new agreement with the responsible party. Any outstanding balance must be paid before the City will accept a replacement agreement.

6. The undersigned agrees to advise the City in writing of any change to their billing address and represents that (s)he is the party responsible for payment of the costs or any other obligations incurred under this Agreement.

7. The undersigned agrees to defend, indemnify and hold harmless the City, its agents, officers, officials, and employees from all claims, demands, lawsuits, writs of mandamus, and other actions or proceedings (collectively "Actions") brought against the City or its departments, commissions, agents, officers, officials, or employees to challenge, attack seek to modify, set aside, void or annul any City decision made in connection with this application or Agreement. In the event the City becomes aware of any such Actions, the City shall promptly notify the undersigned and shall cooperate fully in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the undersigned shall reimburse City for any attorney's fees, costs and expenses, including any plaintiff's or other third party's attorneys' fees, costs and expenses, directly and necessarily incurred by the City in the course of the defense.

PROPERTY OWNER NAME (Print): _____   MAILING ADDRESS: _____

PROPERTY OWNER SIGNATURE: _____   CITY, STATE, ZIP: _____

DATE: _____   TELEPHONE _____

NOTE: THIS DOCUMENT IS NOT TRANSFERABLE • ORIGINAL TO FINANCE • ☐ COPY TO APPLICANT • ☐ COPY TO APPLICATION FILE

APPLICATION NO._____   FOR OFFICIAL USE ONLY   ACCOUNT NO._____