

# Title 16

## NATURAL, SCENIC AND ENVIRONMENTAL RESOURCE PROTECTION

### Chapters:

- 16.04 Water Availability for New Development
- 16.08 Reserved
- 16.12 Significant Tree Protection
- 16.16 Reserved
- 16.20 Reserved
- 16.24 Reserved

### Chapter 16.04

#### WATER AVAILABILITY FOR NEW DEVELOPMENT

##### Sections:

- 16.04.010 Purpose.
- 16.04.020 Development Application Procedures.

**16.04.010 Purpose.** The purpose of this chapter is to modify the development permit processing procedures of Sand City when the City Council, by resolution, declares that there is a water shortage either within the entirety of the City, or within the

boundaries of the Cal-Am Water Service Company service area. (Ord. 98-02 §1, 1998)

**16.04.020 Development Application Procedures.** During times of city-declared water shortages, no application for land use entitlement may be accepted for filing by the Community Development Department unless: (a) The application involves a private well not requiring a water distribution permit from the Monterey Peninsula Water Management District (MPWMD), or it involves a water credit created by past use of the property or a transfer of credits sanctioned by the MPWMD; or (b) The application is for a proposed development project site west of Highway One. For this type of application to proceed, however, a potential water source must be identified as part of the project submittal package and such applications will only be approved provided that water supply is deemed adequate for the project by the City Council. (Ord. 98-02 §1, 1998)

### Chapter 16.12

#### SIGNIFICANT TREE PROTECTION

##### Sections:

- 16.12.010 Purpose.
- 16.12.020 Definitions.
- 16.12.030 Permit required.
- 16.12.040 Application.
- 16.12.050 Required findings.

- 16.12.060 Approvals.**
- 16.12.070 Conditions of approval.**
- 16.12.080 Emergencies and exemptions.**
- 16.12.090 Inspection.**
- 16.12.100 Violations.**
- 16.12.110 Enforcement.**
- 16.12.120 Expiration.**

**6.12.010** The City Council of the City of Sand City finds that the trees located within the City limits are a valuable aesthetic resource. Removal of significant trees could reduce scenic beauty and the attractiveness of the area to residents, business owners and visitors.

The City Council therefore finds that the preservation of significant trees on private and public property is necessary to protect and enhance the City's urban environment, property values and visitor-attraction qualities. The enactment of this chapter is necessary to promote the public health, safety, and general welfare of the City, while recognizing individual rights to develop, maintain and enjoy the use of private property to the fullest possible extent.

**16.12.020 Definitions.** All terms used in this chapter shall be as defined below.

A. **Community Development Director:** The Director of Community Development or his/her designee charged with the administration and enforcement of this chapter.

B. **Diameter Breast Height (d.b.h.):**

The average diameter of a tree outside the bark at a point 4.5 feet above the highest level ground.

C. **Person:** Any individual, firm, association, corporation, partnership, business, trust company, limited liability company, local or state public agency when not engaged in a sovereign activity.

D. **(Significant Tree:** For the purposes of this chapter, "significant tree" shall include any tree which is equal to or greater than 10 inches d.b.h.

E. **Significant Tree Removal Permit:** A permit issued pursuant to the provisions of this chapter.

**16.12.030 Permit required.** Except for those cases enumerated in Section 16.12.080 of this chapter, no person shall perform or cause to be performed, the removal, cutting down, or trimming of more than one-third of the green foliage of, poisoning, or otherwise killing or destroying any significant tree as defined in this chapter until a significant tree removal approval has been obtained.

**16.12.040 Application.** Applications for significant tree removal approvals shall be made to the Community Development Department on forms with the following information. There will be no charge for the application.

A. Applicant's or authorized representative's name, address, and telephone number.

B. **Property Description.** The description of the site(s) involved, including the street address and the assessor's parcel number.

C. **Required information.** The following information shall be provided in writing:

1. A site plan sufficient to identify and locate the trees to be removed, other trees, buildings, proposed buildings, and other improvements.

2. A description of the species, circumference or diameter at breast height, estimated height, and general health of the tree(s) to be removed.

3. A description of the method to be used in removing the tree(s).

4. Reason(s) for removal of the tree(s).

5. Proposed visual impact mitigation measures as appropriate. Size, location, and species of replacement trees, if any, shall be indicated on the site plan.

D. **Applicant's Property Interest.** Evidence that the applicant is the owner or purchaser under contract of the premises involved, is the owner of a leasehold interest, or has written permission of the owner to make the application.

E. **Further Information.** Such further information as may be required by the Community Development Director, including, but not limited to the

opinion of a registered professional forester, tree surgeon, or other qualified expert.

**16.12.050 Required findings.** One or more of the following findings shall be made prior to granting approvals pursuant to this chapter.

A. That the significant tree is dead or is likely to promote the spread of insects or disease.

B. That removal is necessary to protect the health, safety, and general welfare.

C. That removal is necessary in conjunction with another permit to allow the property owner an economic use of the site consistent with the land use designation of the General Plan and/or the Local Coastal Plan.

D. That removal is part of a project involving selective harvesting for the purpose of enhancing the visual qualities of the landscape or for opening up the display of important views from public places.

**16.12.060 Approvals.** Significant tree removal applications shall be processed at the administrative level. Approvals shall be granted by the Community Development Director or his/her designee. Denial of tree removal may be appealed to the Design Review Committee and said appeal shall result in final action on the permit application.

**16.12.070 Conditions of approval.** In granting any permit as provided

herein, the Community Development Director may attach reasonable conditions to mitigate visual impacts and ensure compliance with the provisions of this chapter, including, but not limited to, replacement of trees removed with trees acceptable to the Community Development Director.

**16.12.080 Emergencies and exemptions.** In the case of emergency caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this part, except that the person responsible for cutting or removing the tree shall report such action to the Community Development Director within ten working days thereafter.

Any tree removal authorized pursuant to a valid discretionary permit approved by the City Council or Design Review Committee is exempt from the provisions of this chapter.

**16.12.090 Inspection.** The Community Development Director may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this chapter. Upon completion of any inspection, the property owner or lessees shall be given written notice of any violations observed at the time of inspection for correction thereof.

**16.12.100 Violations.** It shall be

unlawful for any person to perform or cause to be performed, the removal, cutting down, trimming more than one-third of the foliage of, poisoning, or otherwise killing or destroying any significant tree unless (a) a development permit has been obtained and is in effect which authorizes such activity; or (b) the activity is exempt from the requirement for such a permit by reason of the provisions of Section 16.03.080 of this chapter; or (c) there was an emergency caused by the hazardous or dangerous condition of the tree which required the action to be taken immediately for the safety of life or property, as provided in Section 16.03.080 of this chapter.

It shall be unlawful for any person to exercise any development permit which authorizes actions affecting significant trees without complying with all of the conditions of such permit.

**16.12.110 Enforcement.** It shall be unlawful for any person to perform or cause to be performed an action or allow a situation to continue that violates the provisions of this chapter or violates any permit conditions required pursuant to this chapter. All violators shall be guilty of an infraction.

**16.12.120 Expiration.** Unless otherwise specified, approvals issued pursuant to this chapter shall expire one year from the date of issuance if not exercised.