

**Excerpts from Chapter 15A of the Tiburon Municipal Code
(for full information, view on-line at www.townoftiburon.org)**

When a Permit is Required:

The planting, removal or alteration of the following trees shall require a permit:

- a) Protected Tree. Removal or alteration of any “protected tree” on any property is prohibited without the prior issuance of a permit.
- b) Undesirable Tree. Planting of any “undesirable tree” on any property is prohibited without the prior issuance of a permit.
- c) Town Property. Planting, removal or alteration of any tree on “Town property” is prohibited without the prior issuance of a permit, except that in cases of Town action on Town property, only the removal or alteration of a “protected tree” or the planting of an “undesirable tree” shall require a permit.
- d) Undeveloped Property. Removal or alteration of any tree on “undeveloped property,” including property which could be subdivided, is prohibited without the prior issuance of a permit.
- e) Single-Family or Two-Family-Residential Zones. Removal or alteration of any “protected tree” or the planting of any “undesirable tree” is prohibited without the prior issuance of a permit.
- f) All Other Zones. Removal or alteration of any tree located in a zone other than a “single-family residential zone” or a “two-family residential zone” is prohibited without the prior issuance of a permit.

Definitions:

“Alteration” means any action which would significantly damage the health or appearance of any tree, whether by: (1) Cutting of its trunk or branches; (2) Filling or surfacing or changing the drainage of the soil within the drip-line of the tree; or (3) Performing other damaging acts. This definition does not include routine pruning and shaping, removal of dead wood, or other maintenance of a tree (including a protected tree) to improve its health, facilitate its growth or maintain its configuration to protect an existing view.

“Protected Tree” means any: (1) **Heritage Tree, meaning any tree which has a trunk with a circumference exceeding sixty inches, measured twenty-four inches above the ground level;** (2) **Oak Tree, including coast live oak, blue oak, California black oak, interior live oak, canyon live oak, Engelmann oak or valley oak tree;** (3) **Dedicated Tree, meaning a tree of special significance so designated by resolution of the Town Council.**

“Shrub” means a woody perennial plant smaller than a tree, usually having permanent stems branching from or near the ground.

“Single-Family Residential Zone” means any property located in a zone for which the principal use is detached single-family residential. Typically, this means the R-1, R-1-BA, RO or RPD zone as shown on the Tiburon zoning map.

“Tree” means: (1) A woody perennial plant that has a trunk circumference of twenty inches measured at twenty-four inches above the ground surface; or, (2) A woody perennial plant at least fifteen feet in height that usually, but not necessarily, has a single trunk. In applying subsection (1) above, for trees with more than one trunk, the circumference measurement shall be ascertained from a single measurement around the outside perimeter of all trunks and shall not be calculated as the sum total of the circumferences of the individual trunks. References to “tree” shall include the plural. The Planning Director or his designee shall have reasonable discretion to distinguish between a “tree” and a “shrub” within the confines of the definitions found in this chapter.

“Two-Family Residential Zone” means a property located in a zone for which the principal use is two-family or duplex residential. Typically, this means the R-2 zone as shown on the Tiburon zoning map.

“Undesirable Tree” means a Blue Gum Eucalyptus, Monterey Pine, Monterey Cypress, Coast Redwood, or any other species of tree (regardless of its height or trunk circumference) that generally grows more than three feet per year in height and is capable of reaching a height of over thirty-five feet at maturity. An “undesirable tree” nevertheless constitutes a “protected tree” if it meets the criteria set forth in that definition. Tree height at maturity and tree growth rate shall be determined using a recent edition of the Sunset Western Garden Book. Trees characterized as having a “fast growth” rate in the Western Garden Book shall be conclusively presumed to grow at least three feet in height per year. Trees characterized as having a “moderate to fast growth” rate in the Western Garden Book shall be conclusively presumed to grow less than three feet in height per year. If the necessary information on height and growth rate is not available in the Western Garden Book, then other information sources may be substituted in the reasonable discretion of the Planning Director. Applicants may submit additional written information from other published sources that may be used in the Planning Director’s reasonable discretion to make necessary determinations for tree height at maturity and tree growth rate.

“Undeveloped Property” means any property which: (1) Is not improved with a primary building (for example, a dwelling unit or place of business); or (2) Is improved with a primary building, but is of sufficient land area that it could be subdivided. Subdivision potential shall be based upon the minimum lot area requirement for the zone in which the property is located. (Refer to Tiburon zoning ordinance for minimum lot areas in each zone).

Exceptions from Permit Requirement:

- a) A permit shall not be required under this chapter if the planting, alteration or removal of a tree has been authorized by a zoning, subdivision or other valid permit issued by the Town. The burden shall be on the applicant to demonstrate such approval.
- b) If personal injury or property damage is imminently threatened, or the fire marshal declares a tree to be a fire hazard, the chief of police, superintendent of public works, planning director, or town manager may authorize or order the removal or alteration of a tree without compliance with other provisions of this chapter. The removal or alteration carried out in such emergency conditions shall be reported to the Planning Director on the first business day following the work.



Town of Tiburon

Community Development Department - Planning Division

1505 Tiburon Boulevard

Tiburon, California 94920

(415) 435-7390

www.townoftiburon.org

LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

Conditional Use Permit
Precise Development Plan
Condominium Use Permit
Zoning Text Amendment
Rezoning or Prezoning
General Plan Amendment
Temporary Use Permit

Design Review (DRB)
Design Review (Staff Level)
Variance(s) _____ #
Floor Area Exception
Tidelands Permit
Sign Permit
Tree Permit

Tentative Subdivision Map
Final Subdivision Map
Parcel Map
Lot Line Adjustment
Other _____

Department Use Only:
Received Date: _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: _____ **PROPERTY SIZE:** _____

PARCEL NUMBER: _____ **ZONING:** _____

PROPERTY OWNER: _____

MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

APPLICANT (Other than Property Owner): _____

MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

ARCHITECT/DESIGNER/ENGINEER: _____

MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature (required): * _____ Date: _____

I understand that the property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), or similar instruments that may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

I am hereby advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association or affected parties about the proposed project prior to proceeding with the application. Following this procedure will minimize the potential for disagreement among parties and possible litigation.

Signature (required): * _____ Date: _____

**** If other than owner, you must submit an authorization letter from the owner or show evidence of de facto control of the property or premises for purposes of filing this application.***

NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

**Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel)
(415) 435-2438 (Fax)
www.townoftiburon.org**



COPYRIGHT MATERIALS RELEASE: LIMITED LICENSE TO REPRODUCE ARCHITECTURAL/ENGINEERING PLANS

To the extent that your application submittal packet includes plans or drawings prepared by a licensed, registered, or certified professional, as defined pursuant to the California Health and Safety Code Section 19851 or Business and Professions Code Section 5536.25, such as a licensed engineer, architect or other design professional, the Town must first obtain the signature release and permission of said professional prior to publication or reproduction of any such plans or drawings. Such drawings and plans may also be protected by copyright laws. By signing below, you are granting the Town of Tiburon a limited license authorizing the Town to reproduce and publish plans and drawings submitted with your application packet for a period of time limited to the duration of the public review process, including making plans and drawings available on the Town's website for public review and providing electronic reproductions to the Town's review boards and commissions. The purpose of this limited license is limited solely to the purpose of facilitating the timely review of this application, and the plans and drawings will not be utilized by the Town for other purposes. By signing below, those individuals who have prepared plans and drawings submitted with this application agree to the limited license described herein for the publication or reproduction of any such plans or drawings by the Town. If you wish to revoke this license at any time, please contact the Planning Department.

Signature of Owner: _____ Date: _____

Signature of Architect (where applicable): _____ Date: _____

Signature of Engineer (where applicable): _____ Date: _____