



# COUNTY OF SAN MATEO

## PLANNING AND BUILDING

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### NOTICE OF EXEMPTION

<p>Recorded at the Request of, and When Recorded Return to: Sonal Aggarwal Planning and Building Department 455 County Center, 2<sup>nd</sup> Floor Mail Drop PLN122 Redwood City, CA 94063</p>	<p>For Clerk Use Only</p>
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Filing of a Notice of Exemption in compliance with Public Resources Code (California Environmental Quality Act) Section 21152(b). The filing of this Notice begins a 35-day Statute of Limitations on court challenges to this approval.

Project Title: Protected Tree Ordinance of San Mateo County

File Number: N/A

Description of Project:

The project includes revisions to the County's existing tree ordinances. The proposed revisions will consolidate and revise the County's Heritage Tree and Significant Tree ordinances into one Protected Tree Ordinance. The revised ordinance broadens the definition of protected trees, adds species-specific protections, updates permit requirements, establishes an in-lieu fee program for the County's Tree Replacement Fund, and establishes new findings and review criteria for permit approvals. The revisions will also establish new tree pruning, removal, and replacement requirements and prohibit the issuance of after-the-fact permits.

Specific Project Location: N/A

County of Project Location: San Mateo County

Name of Applicant: N/A

Name of Person Undertaking the project or receiving the project approval (if different from the applicant): N/A

Name of Public Agency Approving Project: San Mateo County

Exempt Status: Categorical Exemptions 15307 (Class 7) and 15308 (Class 8)

Reason why project is exempt:

Class 7 and Class 8 Categorical Exemptions apply to the project because it represents action taken by a regulatory agency to maintain and enhance natural resources (trees) and the environment and to establish procedures for environmental protection.

Lead Agency Contact Person: Bharat Singh

Signature: Bharat Singh Digitally signed by Bharat Singh  
Date: 2024.08.27 12:58:59 -0700 Title: Planning Services Manager Date: 8/27/2024

Print Name: Bharat Singh

- Signed by Lead Agency
- Signed by Applicant

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## ENVIRONMENTAL ANALYSIS

**Reason Project is Exempt:** This project consists of the County's adoption of a Protected Tree Ordinance, which combines and revises the County's prior Heritage Tree and Significant Tree ordinances. The San Mateo County Planning and Building Department, pursuant to the requirements of the California Environmental Quality Act (CEQA), has determined that the Protected Tree Ordinance of San Mateo County Project (project) complies with the requirements for Categorical Exemptions covered under Article 19 of the State CEQA Guidelines. The following discussion demonstrates the project's consistency with the applicable Categorical Exemptions.

**15307 (Class 7). Actions By Regulatory Agencies for Protection of Natural Resources:** State CEQA Guidelines Section 15307 states that Categorical Exemption "Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption."

**15308 (Class 8). Actions By Regulatory Agencies for Protection of The Environment:** State CEQA Guidelines Section 15308 states that Categorical Exemption "Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption."

Class 7 and Class 8 Categorical Exemptions apply to the project because adoption of the Protected Tree Ordinance represents action taken by a regulatory agency to maintain and enhance natural resources (trees) and the environment and to establish procedures for environmental protection. Moreover, the project strengthens standards for environmental protection compared to San Mateo County's prior Heritage Tree and Significant Tree ordinances and does not broadly authorize any specific tree maintenance or removal activities or issuance of permits for such activities previously prohibited by the prior ordinances.

Compared to the prior tree ordinances, the Protected Tree Ordinance:

- broadens the definition of protected trees;
- adds species-specific protections;
- establishes an in-lieu fee program for the County's Tree Replacement Fund based on the initial cost of purchasing a tree from a nursery, best management practices for initial planting, three-year initial care costs, and ecosystem services that would have been provided (the fund will be used to replace trees in the vicinity of the subject property and support the County's urban forestry management program);
- establishes new findings and review criteria for permit approvals as well as new tree pruning, removal, and replacement requirements;
- establishes specific criteria for consideration of tree maintenance and/or removal activities in resource management areas, coastal zones, sensitive habitats, and scenic corridors;
- prohibits the issuance of after-the-fact permits which have been historically issued after violations;
- provides updated penalties, protocols, and remedies for ordinance violations and infractions;

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- more accurately reflects the types of tree species and vegetation communities that currently exist within the County; and
  - increases clarity and specificity to minimize challenges in interpretation and implementation for County staff and the public.

These components of the Protected Tree Ordinance further enhance and refine the County's regulations for protecting trees, which are considered a natural resource. Thus, the project constitutes an action taken by a regulatory agency that is intended to ensure the maintenance and enhancement of a natural resource and the environment.

**Exceptions to Use of a Categorical Exemption:** State CEQA Guidelines Section 15300.2 defines exceptions that prohibit the use of a categorical exemption. The project will not trigger any of these exceptions, as follows:

- Location.* Classes 3, 4, 5, 6, and 11 are qualified by consideration of the environmental sensitivity of the project site. These classes may not apply where a project could impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Class 3, 4, 5, 6, and 11 exemptions are not applicable to the project. Rather, the project is found exempt from CEQA under the Class 7 and 8 Categorical Exemptions. Further, the project consists of adoption of an ordinance and does not involve any physical environmental changes at any specific location. Therefore, this exception does not apply to the project.

- Cumulative Impact.* All categorical exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project replaces the County's Heritage Tree and Significant Tree ordinances with a single Protected Tree ordinance. The Protected Tree ordinance defines procedures and criteria that will apply to permit applications for tree maintenance and removal activities throughout the County, including requirements for tree replacement and/or in-lieu fee payment. Adoption of the ordinance does not include issuance of any permits or approvals for tree maintenance or removal and does not result in or permit any physical environmental changes at any specific location. Therefore, no cumulative impacts are anticipated as a result of successive projects of the same type or in the same place as the project; this exception does not apply to the project.

- Significant Effect.* A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The project replaces the County's Heritage Tree and Significant Tree ordinances with a single Protected Tree ordinance. The Protected Tree ordinance applies to tree maintenance and removal activities throughout the County. The County periodically updates its ordinances to address conditions within its geographical limits; accordingly, there are no unusual circumstances associated with adoption or implementation of the Protected Tree ordinance. The Protected Tree Ordinance requires consideration of potential unusual circumstances through its regulations, protections, and restrictions for tree maintenance and/or removal in resource management areas, coastal zones, sensitive habitats, and scenic corridors. This exception does not apply to the project.

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- d. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources including, but not limited to, trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway.

The project does not include specific tree maintenance or removal activities that will result in damage to scenic resources within a state scenic highway. The ordinance's review criteria states that tree removal and pruning in County or State scenic corridors shall be avoided as much as possible. The ordinance requires permits for the removal of any Protected Trees within a State scenic corridor and requires that any authorized tree removal within a scenic corridor must be consistent with the County's General Plan, Local Coastal Program, Zoning, and Design Review policies. Furthermore, the ordinance requires that tree removals in scenic corridors shall not substantially detract from the scenic and visual quality of the County; or will not substantially detract from the natural characteristics of existing major water courses, established and mature trees and other woody vegetation, dominant vegetative communities or primary wildlife habitats. Because findings and review criteria are required for tree removal in within scenic corridors, the project will result in additional protections to scenic resources within state scenic highways compared to the prior Heritage Tree and Significant Tree ordinances. Therefore, the project will not result in damage to scenic resources within a state scenic highway and this exception does not apply to this project.

- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Adoption and implementation of the Protected Tree Ordinance will not result in a direct physical change to the environment; it does not cause the specific issuance of any permits or approvals that would result in a physical change to the environment. Therefore, the project will not result in the physical change to a project site located on a hazardous waste site as defined in Government Code Section 65962.5. Therefore, this exception does not apply to the project.

- f. Historical Resources. A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

The Protected Tree Ordinance will not result in a direct physical change to the environment. The project under consideration does not cause the specific issuance of any permits or approvals that will result in the physical change to the environment. Therefore, the project will not result in a change in the significance of a historical resource and this exception does not apply to the project.