

# California tree committees weigh shade, hazards, proximity to buildings

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California has no common-law right to a view or sunlight, according to Sausalito-based attorney Barri Kaplan Bonapart. Some cities, including Belvedere, Tiburon, Sausalito, Corte Madera and San Francisco, have ordinances that provide such rights, affecting tree planting and trimming. Mill Valley, Fairfax and Larkspur do not.

“It is patchwork,” she said about the tree-control map. “Every community is different.”

The state public-resources code gives certain rights to people who wish to install solar panels. A tree planted after a solar installation may be removed if it grows to block the array. “The law got changed several years ago,” Bonapart said, “in order to prevent pre-existing trees from being subject to this rule.”

In structured communities, homeowners’ association rules may provide rights to a view. View easements can be written that run with the land, or agreements can be drafted to govern neighbors’ view rights.

Another state statute prevents “spite fences” that exceed 10 feet, erected to annoy or harass a neighbor. A row of trees can be construed as such a spite fence.

Whether or not they govern rights to views or sunlight, many cities and counties have tree ordinances that control when or whether certain trees can be removed. Some towns in the North Bay protect trees with nearly as much zeal as they protect homo sapiens.

## Napa

Designated as Tree City USA by National Arbor Day Foundation to preserve urban tree canopy.

Removal or pruning of protected native trees is prohibited unless a permit is first applied for by the property owner. Some applications go to a Tree Advisory Commission for final determination.

Protected native trees include, with diameters in inches: valley oak (12), coast live oak (12), black oak (12), blue oak (6), coast redwood (36), California bay (12), black walnut (12).

Removal or pruning of these trees is prohibited without permit. The city has a Significant Tree Program (currently 36 trees) to “honor and protect trees of historic significance, that are unique or rare specimens, that possess unique physical characteristics, are Napa Valley natives, or

trees with special or unique habitat value.” Residents can nominate trees for consideration as “significant.”

#### Mill Valley

Tree-removal permit for heritage tree costs \$775. A permit is required to remove four or more non-heritage trees (over 19-inch circumference, about 6-inch diameter) on a developed site per year, and for any tree removal (over 12.5-inch circumference) from a vacant site. Cost for removal of heritage oak tree with sudden oak death or non-heritage tree is \$76.

Heritage trees include: tanbark oak, 65-inch circumference (about 20-inch diameter); oak, 75-inch circumference; madrone, 75-inch circumference; coast redwood, 95-inch circumference (about 30-inch diameter).

#### Healdsburg

The town’s ordinance protects “heritage trees,” which are any trees that have a diameter of 30 inches or more, measured two feet above level ground, or other trees designated of historic value. Permits are required for removal:

#### Removal of a tree

“The uprooting, cutting or severing the main trunk of a tree or any action which causes a tree to die or be seriously damaged, including but not limited to damaging the root system by machinery, storage of materials, soil compaction, substantially changing the grade above the root system or trunk, excessive pruning, paving with concrete, asphalt or other impervious material in the vicinity of the tree, excessive or inadequate irrigation, or any action which may reasonably be expected to significantly weaken the health, structure or vigor of a tree.”