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# Court rejects Santa Cruz's 2013 loosening of tree protection law

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SANTA CRUZ >> Updates made in 2013 to a city law designed to protect Santa Cruz's largest trees skirted state environmental protection rules, a state appeals court ruled Friday.

In its decision, the 6th District Court of Appeals sided with advocacy group [Save Our Big Trees](#), which [filed a lawsuit](#) against the city over changes to its [Preservation of Heritage Trees](#) law shortly after the changes were approved. The group, which argued the city needed to assess the environmental impact of the law's changes before moving forward, lost its case in a trial before Santa Cruz County Superior Court Judge Paul Marigonda, then appealed to the higher court.

The city law updates added new reasons that a property owner could petition the city for a heritage tree's removal, including reasons causing "substantial hardship," such as excessive degradation or damage to property, unreasonable financial or economic burden or an adverse effect on personal health such as allergies or physical mobility. Heritage trees are defined as those with trunks that are 14 inches in diameter or more and rise 54 inches and trees designated as having historical or aesthetic

significance, or otherwise are protected.

Save Our Big Trees spokeswoman Gillian Greensite said she believed this week's ruling sent a clear message to the city.

"I think if we care about our trees and climate change, I think that people need to realize that trees are irreplaceable," Greensite said. "If you notice, when big trees are taken down, they're not replaced with big trees. They're replaced with little ornamentals."

Friday's appeal ruling states the city did not meet the burden of proof that allowed it to sidestep strict guidelines established under the California Environmental Quality Act. The Santa Cruz City Council loosened the law's provisions after hearing from its environmental attorney that a full review of the ordinance was not required.

City Attorney Tony Condotti said Friday afternoon that he was still reviewing the ruling to determine its implications.

"Of course it's disappointing that the court did not agree with the city's position, but the next steps will need to be determined by the City Council after everyone's had a chance to digest the opinion and consider the range of potential options available to the city," Condotti wrote in an email.

Santa Cruz is now ordered to rescind its latest heritage tree law changes, and to pay Save Our Big Trees' court costs. The city has 40 days to petition the state supreme court to review the case.

Save Our Big Trees attorney Bill Parkin said the ruling was a vindication of what his clients had argued all along.

"The city should have performed that environmental review, and then everyone would have known the benefits and the negatives of

the ordinance,” Parkin said. “Without the environmental review, it was admitted on the record by the council that they didn’t even know what the results of this ordinance would really be when it comes to trees.”

Parkin said the state environmental review process is more significant for laws than for proposed construction projects, because such laws result in overarching planning decisions.

“The first ordinance was enacted in the 70s, and then over the years it was tightened,” Parkin said. “The last amendment to the ordinance was ‘98, and I think it was tightened. I think this is the first time the city has actually weakened the ordinance.”