



**CITY OF DAVIS
TREE COMMISSION AGENDA
Thursday, March 18, 2021
5:30 p.m.**

Commission Members: Larry Gunther (Chair), David Robinson, Tracey DeWit, Lauren Hwang-Finkelman, Colin Walsh, Jim Cramer, John Reuter, Alternate-vacant

City Council Liaison: Will Arnold, Dan Carson-Alternate

City Staff: Rob Cain, Urban Forest Manager

PLEASE NOTE: Commissioners, City staff and the public will participate in this meeting via teleconference or otherwise electronically. This meeting is compliant with the Governor's Executive Order N-29-20, which allows for a deviation of teleconference rules required by the Brown Act. In-person attendance will not be permitted.

REMOTE AUDIO AND VIDEO MEETING PARTICIPATION:

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or 1-253-215-8782
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Please note: The numerical order of items on this agenda is for convenience of reference; items may be taken out of order.

- 1. Call to Order & Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Minutes for February 18, 2021**
- 4. Brief Announcements from Commissioners, Liaisons and Staff (No action)**

5. Public Comment

At this time, any member of the public may address the Commission on matters either not listed on the agenda, or those listed on the Consent Calendar.

REMOTE PUBLIC COMMENTS:

1. Submit written public comments to TreeCommission@cityofdavis.org. Emails are distributed to Commissioners, Council Liaisons and staff. To ensure the Commission has an opportunity to review information prior to the meeting, send email correspondence no later than 3:30 p.m. on the designated meeting date.
2. Live remote public comments:
 - a. Device with microphone: Press the “raise a hand” button.
 - b. Phone: Press *9 to indicate a desire to make comment.

The Chair or assigned staff will call you by name or phone number when it is your turn to comment. **Speakers will be limited to no more than three minutes.** Speakers will be asked to state their name for the record.

SEE ABOVE INSTRUCTIONS FOR REMOTE PUBLIC COMMENTS

6. Regular Agenda

A. Street Tree Removal Requests

<u>Location</u>	<u>Tree Species</u>	<u>Reason for Request</u>	<u>Zone</u>
1314 Antelope Avenue	Aristocrat Pear	Poor health	103
514 J Street	Aristocrat Pear	Poor health	107
1125 Juniper Place	Honey Locust	Mistletoe infestation	107
1304 Pacific Drive	Chinese Pistache	Diseased trunk	107

B. Informational Tree Removals

<u>Location</u>	<u>Tree Species</u>	<u>Reason for Request</u>
825 Eureka Avenue	Modesto Ash	Storm damage
839 Eureka Avenue	Modesto Ash	Storm damage
Community Park	Eucalyptus	Storm damage

C. Commission Initiative

The Tree Commission will discuss a Commission initiative for the City of Davis.

D. Municipal Code Chapter 37 updates

The Commission will review and discuss updates to the draft tree ordinance from the subcommittee reviewing the draft ordinance revision.

7. Commission and Staff Communications

- A. Subcommittee updates
- B. Planning Commission recommendation for 202 & 260 Cousteau Place
- C. Topics for next meeting

8. Adjourn

In compliance with Brown Act regulations, this agenda was legally posted at least 72 hours in advance of the listed meeting date. Any writing related to an agenda item for this meeting distributed to the Commission less than 72 hours before this meeting is available online <http://cityofdavis.org/city-hall/city-council/commissions-and-committees/commission> link. For additional information regarding this agenda or Commission, please feel free to contact Rob Cain by calling (530) 757-5633 extension 5678 or email at rcain@cityofdavis.org.

The City does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

As required by the Americans with Disabilities Act, individuals needing special assistance to participate in this meeting, should contact the City Manager's Office at (530) 757-5602. Notification at least 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Parks and Community Services Department

23 Russell Boulevard – Davis, California 95616
530/757-5656 - FAX: 530/297-5410 – TDD: 530/757-5666



**Tree Commission Minutes
February 18, 2021
5:30 p.m.**

Commissioners Present: Larry Guenther-Chair, David Robinson, Tracey DeWit, Colin Walsh, Jim Cramer, John Reuter, Alternate-Vacant

Commissioners Absent: Lauren Hwang-Finkelman-excused

Council Liaison Present: Will Arnold

Assigned Staff: Dale Summersille, Parks and Community Services Director
Rob Cain, Urban Forest Manager

Opening Statement

Welcome to the monthly meeting of the City of Davis' Tree Commission.

Members of the Tree Commission are all volunteers and appointed by the Davis City Council.

The Tree Commission provides leadership and guidance to the Urban Forest Manager and to the City Council regarding tree removal and replacement requests.

The Tree Commission provides for the protection, preservation, and enhancement of Davis' urban forest. The Tree Commission is charged to recommend the removal of a City tree on a case-by-case basis for the following reasons:

- Poor health, identifiable diseases, exceedingly slow growth, large scale limb failure and decay;
- Potential for hazardous conditions that are caused by the street tree and cannot be mitigated without the removal of the tree.

The Tree Commission does not have the authority to recommend the removal of a City Tree for its debris, such as leaves, fruit, nuts, pollen, pine cones, needles, etc., nor does it have the authority to recommend the removal of a tree for its potential as an allergen or for solar collector installation per Municipal Code Section 40.38.00. The Tree Commission does not have the authority to remove a tree if it is healthy.

All Tree Commission decisions can be appealed to the City Council for their consideration.

Approval of Agenda:

Motion to approve the agenda was made by Cramer, seconded by Walsh.

Approved: 6-0

Approval of Minutes:

Motion to approve the minutes for January 21, 2021 was made by DeWit, seconded by Cramer with a correction to Commissioner Guenther's comments about the Urban Forest Manager's role in code enforcement as not being the "cop".

Approved: 6-0

Commissioner and Staff Comments:

Staff briefed the Commission on the January 27 storm event and that clean-up work is on-going to date. The storm resulted in over 200 service calls and reports of downed limbs and trees. 139 cracked and hanging branches and 60 downed or uprooting trees were documented from the storm. Urban Forest crews and the city tree contractor are working through the service call list to pick up downed limbs, prune out broken and hanging limbs. Tree removal is set to begin when all the broken and hanging limb have been removed.

Staff gave the Commission a progress update for the CAL FIRE Proposition 68 grant. Tree Davis has planted 641 trees for the grant with two to three more plantings scheduled for the 20-21 planting season. Tree Davis is on track to finish planting the 1,000 tree for the grant.

Staff also informed the Commission that the Request for Proposals for the grant Urban Forest Management Plan will be issued in March.

Sumersille thanked Tree Davis for the good work for the grant plantings and mentioned to the Commission that they should visit Baravetto Park as the new trees planted make a marked improvement to the park and for future shading of the park's pathways.

Guenther thanked staff and crews for the storm clean-up work, as there is a lot of debris and trees to work on.

Walsh commented on the Landmark Valley Oak at 501 Oak Avenue as it sustained significant damage from the storm. He also mentioned that on a walk up Olive Drive that he noticed tree protection fencing down at the apartment complex construction project and that construction materials have been placed around the tree.

Public Comments:

Alan Hirsch made the following comments:

- 1) Commented about the Yolo Bus Board meeting and how they ask for the no votes for items first and then yeas. Mentioned this for Commissioner Guenther as it may be something to use to speed up the commission meetings.
- 2) I gave a presentation in December about policy and the policy matters that need addressing in the ordinance. As the commission is dealing with the whole forest, it should consider renaming the commission the Urban Forest Commission to reflect the commission's work on the whole forest management of the trees.
- 3) The commission uses a judicial format and there is an issue with who gets to show their face at meetings and speak and those who do not. This continues to be an issue.

Regular Items:

A. Street Tree Removal Requests were discussed with the following actions taken:

Location

1. 4028 Pomo Place

Tree Species

London Plane Tree

Moved by: Robinson

Seconded by: Cramer

Motion: Follow the staff recommendation to retain the tree as it is healthy and perform root pruning as necessary to mitigate further root growth toward the residence and water valve box.

Motion Passed: 6-0

B. Informational Tree Removals

Location

Tree Species

Reason for Request

Denali & Shenandoah	Arizona Juniper	Storm failure
Shasta Dr. & El Capitan	Aristocrat Pear	Storm failure
Shasta Dr. & Hampton	Aristocrat Pear	Storm failure
3215 Bermuda Ave.	African Sumac	Storm failure
1520 Lemon Ln.	Golden Rain Tree	Storm failure
Russell Blvd & Oak Ave.	Moraine Ash	Storm failure
1716 Willow Ln.	Honey Locust	Storm failure
1118 Villanova Dr.	African Sumac	Storm failure
2507 Corona Dr.	Moraine Ash	Storm failure
1314 Antelope Rd.	Aristocrat Pear	Storm failure
2323 Catalina Dr.	Aleppo Pine	Storm failure
1003 Eagle Pl.	Aristocrat Pear	Storm failure
202 Inca Pl.	Coast Redwood	Storm failure
Oak Grove Park	Moraine Ash	Storm failure
Oak Grove Park	Coast Redwood (3)	Storm failure
Wright Blvd	Plum (3)	Storm failure

614 E. 14 th Street	Modesto Ash	Storm failure
529 F Street	Frontier Elm	Storm failure
820 Eureka Ave.	Modesto Ash	Storm failure
826 Eureka Ave.	Modesto Ash	Storm failure
832 Eureka Ave.	Modesto Ash	Storm failure
1102 Eureka Ave.	Honey Locust	Storm failure
536 C Street	Chinese Hackberry	Storm failure
718 L Street	Modesto Ash	Storm failure
813 L Street	Modesto Ash	Storm failure
717 L Street	Modesto Ash	Storm failure
841 L Street	Modesto Ash	Storm failure
835 L Street	Modesto Ash	Storm failure
720 M Street	Modesto Ash	Storm failure
749 M Street	Modesto Ash	Storm failure
743 M Street	Modesto Ash	Storm failure
730 M Street	Modesto Ash	Storm failure
602 Lessley Pl.	Modesto Ash	Storm failure
611 Lessley Pl.	Modesto Ash	Storm failure
643 Lessley Pl.	Modesto Ash	Storm failure
658 Lessley Pl.	Modesto Ash	Storm failure
Chestnut Park	Chinese Pistache	Storm failure
402 I Street	Catalpa	Storm failure
418 I Street	Chinese Hackberry	Storm failure
717 Adeline Pl.	Silk Tree	Storm failure
701 Adeline Pl.	Silk Tree	Storm failure
2500 Denison Dr.	Deodar Cedar	Storm failure
1606 Madrone Ln.	Modesto Ash	Storm failure
E. Covell Blvd & Matisse	Cork Oak	Storm failure
2922 Grinnel Dr.	Honey Locust	Storm failure
Tufts greenbelt	Autumn Purple Ash	Storm failure
Mace Blvd. & Alhambra	Coast Live Oak	Storm failure
1114 Colina Court	Aristocrat Pear	Storm failure

C. Tree Modification Permit Appeal for 202 & 260 Cousteau Place

The Commission heard an appeal for a Tree Modification Permit at 202 & 260 Cousteau Place for tree removal for solar array installations in the parking lots of both addresses. A total of 83 trees are proposed for removal in the parking lots to clear the way for the solar array installations. For the tree removals, a total diameter of inches being removed is 867.8. The applicants are appealing the mitigation in-lieu fees of \$163,976.40 for the removals. The in-lieu fees are being levied as no on-site replacement tree planting is proposed for the project. The applicants are proposing to pay \$42,000.00 for buying the replacement trees to mitigate the tree removals.

Jon Salzberg and Dan Ramos were present for the applicants to present the project and answer questions from the Commission. They informed the Commission that they are looking to maximize the roof space first and the parking lot arrays are sized after the roof space is designed and that 90% of the site's electrical needs could be produced from the on-site solar arrays.

Commission Questions and Comments

Cramer asked if the mitigation number includes the effects of the loss of trees to the site and was there a calculation for any reduction in greenhouse gasses performed for the panels. Jon responded that the mitigation did not include those numbers.

Cramer also commented about the climate emergency declared by the City and ordinances that may be in tension with the trees being removed. He also asked if there was a precedent being set with being able to remove trees and just pay the in-lieu fees?

Cramer commented that the Natural Resources Commission has been advocating for solar panels.

DeWit asked if the project is looking to remove the trees and replace with solar panels and can the panels be put on the roof?

Jon responded that yes the project is looking to replace the trees with solar panels in addition to maximizing the roof space with panels.

Walsh asked if PG&E is in one of the buildings on the project property and is there any involvement from PG&E in the project?

Jon responded that yes PG&E is a tenant of one of the on-site buildings but they had no involvement into the project other than updating the current infrastructure to accommodate the new electrical source. He said that PG&E only has a service center on-site and is not an operational department.

Walsh followed up that there is no special relationship with PG&E in connection with the project?

Jon responded that PG&E's lease is up soon and will be vacating the building so no special relationship exists for the project.

Cramer asked if the mitigation fees would be calculated in the pay off period for the project and if not could it be included and then would that just extend the pay-off period for the solar panels?

Jon responded that this has not been completed for the project budget. Jon stated that the budget is tight and the addition of the mitigation fees into the project may make the project infeasible and may have to be cancelled. Jon would need to check with the investment group to add this into the budget calculations.

Public Comment

Alan Hirsch made the following public comments:

- 1) Comment to Dan Ramos that the tree mitigation for a tree in the field and for solar does not make sense to make them equivalent. Location is important to tree appraisals.
- 2) Can the mitigation trees be planted in school parking lots as the City is stretched for planting sites?
- 3) The policy for mitigation is the issue to get to with the new ordinance and the policies surrounding trees.

Discussion

Cramer commented about what is the mitigation fee and where is it used.

Staff responded that the mitigation fee is \$189.00 per inch of tree being removed and is put into the Tree Preservation Fund.

Cramer asked if the Preservation Fund is being used and is planting the trees possible off site? Staff responded that yes the fund is used currently used for tree planting and that locations for mitigation trees can be found.

Walsh commented that the parking lot trees are doing better than most in other parking lots. Commented that are we stuck with solar arrays versus trees for projects and would like to have projects maximize roof panels first before tree removal.

Walsh commented that if a non-profit was charged the mitigation fees for a similar project then this project should be charged as well.

Walsh commented that the investment committee for the project had not been asked yet about the economic factors of the mitigation fees.

DeWit commented that it is difficult to justify removing healthy trees for solar panels and panels can go just about anywhere. Removing trees and replacing with carports that can go another place is not a good thing.

Guenther commented that it is good that the roofs were clear for panel installation as most roofs are already filled with other stuff. The parking lot is looking really good in regards to tree health and success of reaching the 50% shading requirement.

Guenther commented that the parking lot has well established mature trees contributing to the community canopy of the urban forest in Davis.

Guenther commented that the fees are part of the project costs just like disposing of building materials, for example, of other project costs to be calculated.

Guenther commented that the Natural Resources Commission still needs to be reached out to and a joint meeting held to get a policy in place for this type of project.

Guenther commented that this is a great illustration of a process to have one or more commissions involved in the development process prior to final project design. Engaging the commissions in the process may make it more efficient and effective for some projects.

Walsh asked if there were other applicant properties within Davis that could have solar panels installed to help with the generation off set for this building.

Dan Ramos responded that not for this building. Also that on this project they were able to take off other mechanical building systems to make room for the roof panels and maximize that area of the buildings.

DeWit commented that she understands the need for solar and asked if it was possible to make other structures on-site that could house panels like over the walkways or drive isles in the parking lots?

Jon responded that the parking lots would lose parking spaces with other structures being added to house solar panels.

DeWit commented that she did not want to set the precedent to remove trees for solar panels so the fee should be charged.

Cramer commented that multiple issues have been raised in the discussion that cannot be resolved at this meeting. He stated the proposed tree removals need full fees to fund the replacement tree purchase and planting costs.

The Commission made the following action:

Moved by: Walsh

Seconded by: Cramer

Motion: Keep the mitigation fees for the permit at the current rate on the permit.

Motion passed: 6-0

D. Municipal Code Chapter 37 updates

The Commission heard an update from the Ordinance Update subcommittee from Commissioner Walsh.

The subcommittee has created a document with the comments submitted by the Tree Commissioners. The document shows the comments next to the corresponding code section and the subcommittee will be making recommendations from the comments for the updated ordinance.

Walsh asked staff to have the consultant send them the links for the cities they reviewed as comparison cities for the ordinance.

Walsh asked the Commissioners to send any additional comments to staff for inclusion into the document.

Cramer commented that he sent comments about the climate action addition to the ordinance and that the issues raised tonight about the solar panels should not be lost and discussed for the update.

Walsh commented that more can be completed within the subcommittee to look at the details and thanked Alan for his work in reviewing.

Public Comment

Alan Hirsch made the following comments:

- 1) It is important to know what is changing in the ordinance and need a side by side comparison.
- 2) Enforcement is important especially for maintenance of parking lot tree sand should be made perpetual.
- 3) Revision should look to increase compliance penalties.
- 4) Should release documents for parking lots.
- 5) This should not be a one and done process and the commission should look bigger than single tree issues. Glad that the process is moving forward.

Commission and Staff Communications

- 1) Staff informed the Commission on the climate Action and Adaptation Plan that is currently being updated
- 2) Topics for next meeting
 - a. Subcommittee updates
 - b. Recommendation to Planning Commission on parking lot tree removals on the Cousteau Place project.
 - c. City Council Commissions initiative

Public Comment

Alan Hirsch commented that all public comments for the ordinance update should be made publically available as soon as possible and that tracking why trees fail is important for tree history.

Adjournment: Meeting adjourned at 7:30 p.m.; moved by Cramer and seconded by Walsh. 6-0

Next Meeting: March 18, 2021

Meeting facilities are accessible to persons with disabilities. Requests for alternative agenda document formats, meeting assisted listening devices or other considerations should be made through Rob Cain by calling (530) 757-5656 extension 7326 (voice) or 757-5666 (TDD). Davis, CA 95616 as soon as possible, and preferably at least 24 hours prior to the meeting.

Item: 6A
Meeting Date: March 18, 2021

Tree Removal Requests

Trees that have been requested for removal



City of Davis

**TREE COMMISSION
SERVICE REQUEST 21-3851**

Request from: Nilufer Gonen

Request Date: 2/18/2021

Location Address: 1314 Antelope Avenue

Offset: 8

Home Phone: 530-302-6258

Zone: 103

Tree Type: Bradford Pear

Planting Location: Front center

Date Planted: 1/22/1987

Request: Tree removal request

Customer Comments:

Planted in 1987. Tree has less than 25 year life span. It's pair fell onto the street last storm. Roots cracked my driveway, 3 feet from water main. Tree will likely fall over the street, home or worse on people near it. I am very concerned!

Evaluation Comments:

This Pear tree has structural and root crown problems. The root crown of the tree has become partially buried over time and has evidence of girdling roots beneath the surface. This is evidenced by the lack of a trunk flare at ground level. This condition lends the tree to a higher risk of failure at the root crown basal area. The tree has also been previously topped at the mid crown level. The topping has led to weak sprouting growth. The tree also appears to be planted on top of or directly adjacent to the water service line to the residence. Due to the root crown defects and poor structure, staff recommends removal and replacement of the tree.

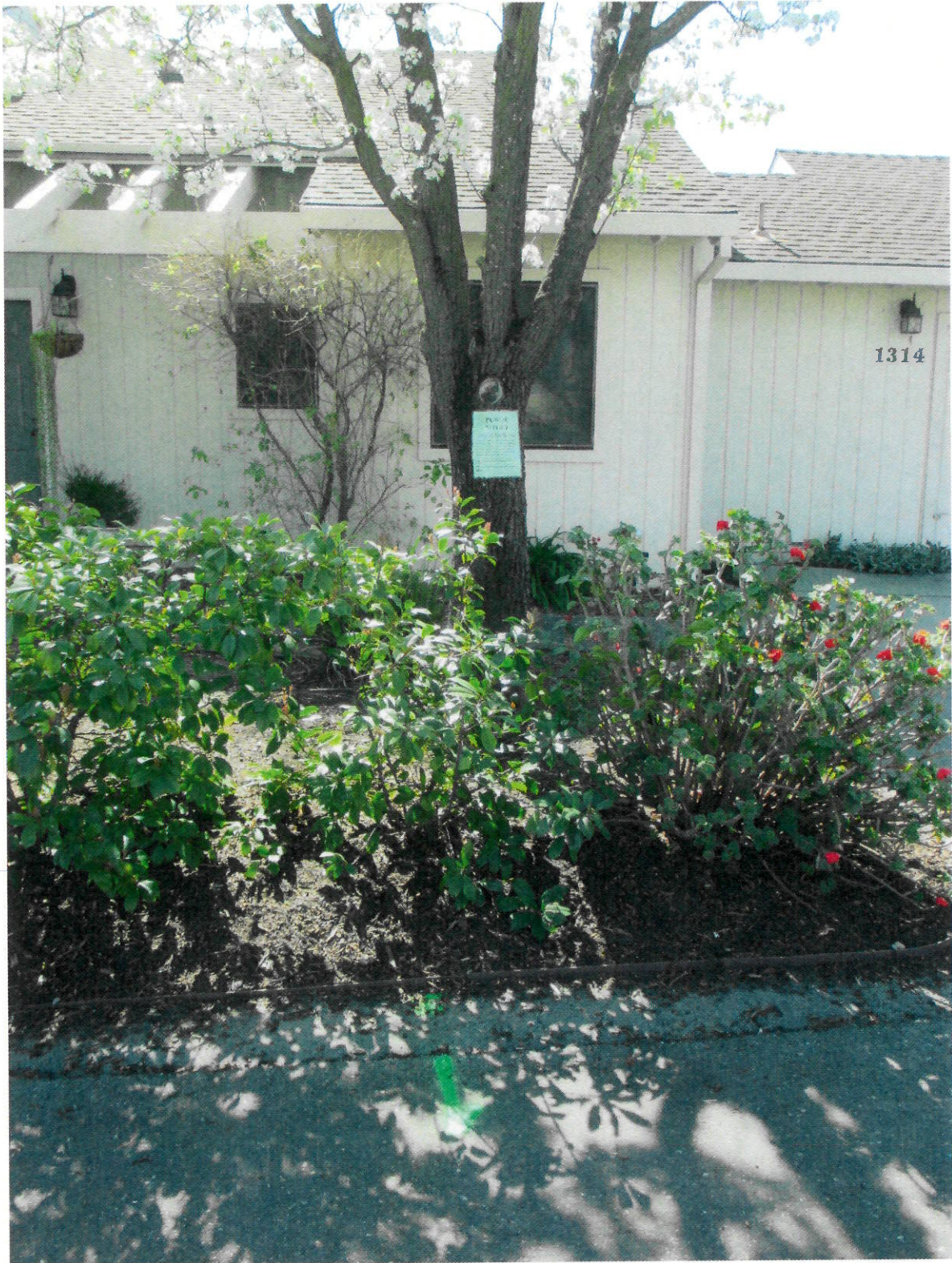
Moved by:
Seconded by:
Motion:
Motion Passed:

Guenther:
DeWit:
Robinson:
Hwang-Finkelman:
Walsh:
Cramer:
Reuter:
Collier:



1314 Antelope Avenue

Aristocrat Pear



1314 Antelope Avenue

Water line utility conflict



1314 Antelope Avenue

Poor tree structure with heading cuts mid-canopy



1314 Antelope Avenue

Buried and girdled root crown



City of Davis

TREE COMMISSION
SERVICE REQUEST 21-3804

Request from: Casey Avalos

Request Date: 1/26/2021

Location Address: 514 J Street

Offset: 9

Home Phone: 916-832-8021

Zone: 107

Tree Type: Bradford Pear

Planting Location: Far left

Date Planted: 4/10/1981

Request: Tree removal request

Customer Comments:

It is unhealthy. I had the arborist look at it because it was constantly dropping leaves and branches. He said it is unhealthy and should be removed.

Evaluation Comments:

The Pear tree has poor structure at the main leader attachments. The area has included bark on the majority of the attachment points. These areas also have a number of previous pruning wounds with internal decay associated with the wound closure. The Pear tree is also planted on top of the sewer service line for the residence. Due to the poor structure, staff recommends removal and replacement of the tree.

Moved by:
Seconded by:
Motion:
Motion Passed:

Guenther:
DeWit:
Robinson:
Hwang-Finkelman:
Walsh:
Cramer:
Reuter:
Collier:



514 J Street

Aristocrat Pear



514 J Street

Sewer line utility conflict



514 J Street

Poor tree structure with associated wound decay.



City of Davis

TREE COMMISSION
SERVICE REQUEST 21-3823

Request from: Eric Dolan

Request Date: 1/25/2021

Location Address: 1125 Juniper Place

Offset: 5

Home Phone: 707-484-4136

Zone: 107

Tree Type: Honey Locust

Planting Location: Front center

Date Planted: 12/18/1965

Request: Tree removal request

Customer Comments:

Per discussion with the tree assessor (Rob), the city tree on 1125 Juniper Place is over 2/3 of life span. We would like to replace with another city tree. Tree has mistletoe and has broken branches.

Evaluation Comments:

The Locust tree has structural problems and an extensive mistletoe infestation down into the main leaders of the tree. The tree has large dead branches throughout the canopy and a large girdling root on the western side of the tree. The tree also has a large old pruning wound on the western side of the tree that has not produced any wound wood, indicating that the tree may be in poor health. Due to the mistletoe infestation and root problem, staff recommends the removal and replacement of the tree.

Moved by:
Seconded by:
Motion:
Motion Passed:

Guenther:
DeWit:
Robinson:
Hwang-Finkelman:
Walsh:
Cramer:
Reuter:
Collier:



1125 Juniper Place

Honey Locust



1125 Juniper Place

Main leader mistletoe infestation



1125 Juniper Place

Large girdling root



City of Davis

TREE COMMISSION
SERVICE REQUEST 21-3852

Request from: Phil & Leslie Cooper

Request Date: 2/19/2021

Location Address: 1304 Pacific Drive

Offset: 6

Home Phone: 916-838-5855 / 530-756-5855

Zone: 107

Tree Type: Chinese Pistache

Planting Location: Side right

Date Planted: 12/1/1970

Request: Tree removal request

Customer Comments:

Tree shows signs of disease, noted by landscape professional and arborist. We would request that any replacement be planted on the Pacific side of our property in between driveways, or at the edge of the property on Spruce where we would cut down the existing private hedge.

Evaluation Comments:

This Pistache has a large canker on the main stem that is now decaying. The tree is showing signs of compromised health with canopy die-back throughout the upper canopy. Due to the canker, staff recommends removal and replacement of the tree.

Moved by:
Seconded by:
Motion:
Motion Passed:

Guenther:
DeWit:
Robinson:
Hwang-Finkelman:
Walsh:
Cramer:
Reuter:
Collier:



1304 Pacific Drive

Chinese Pistache

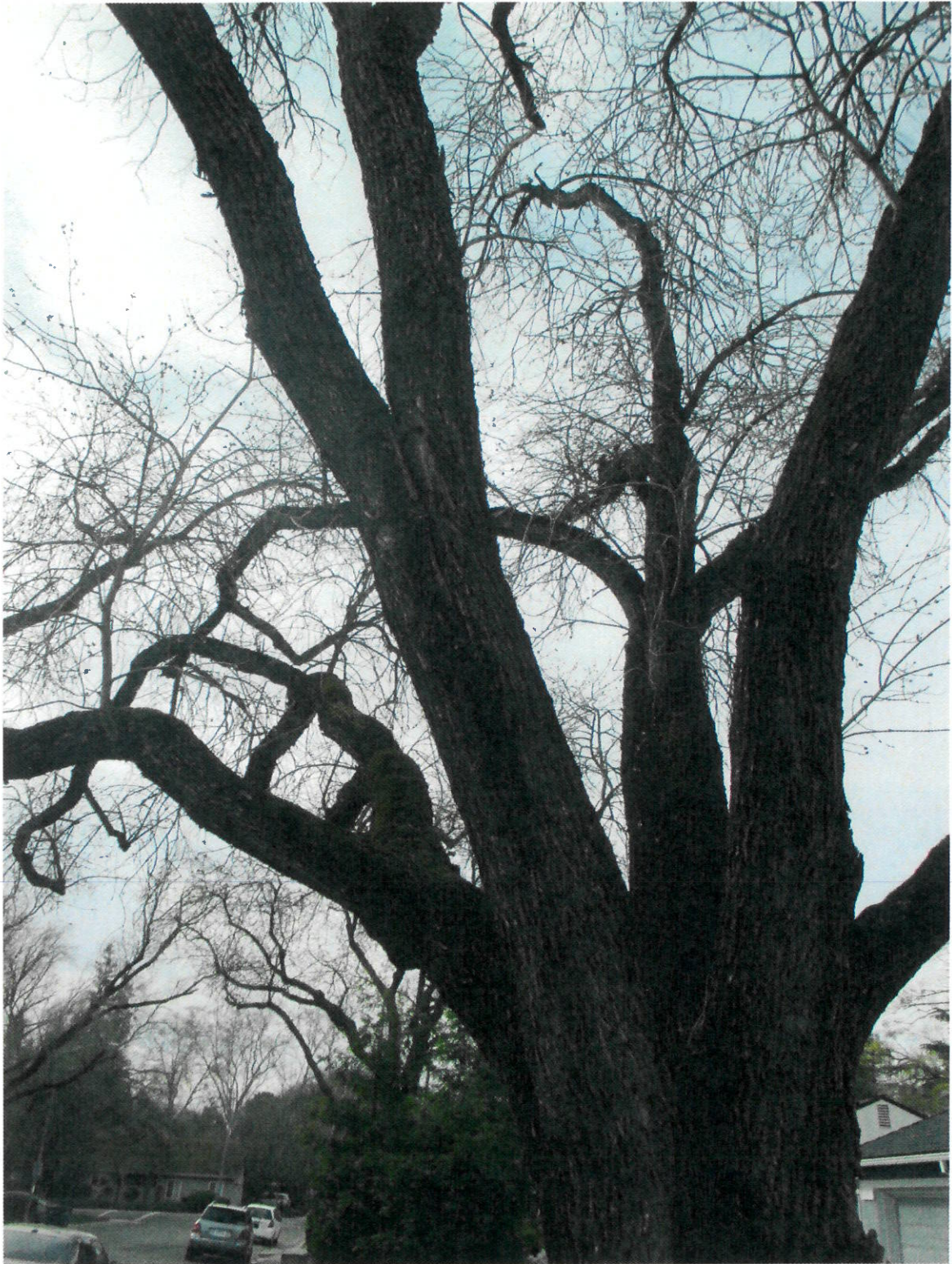


1304 Pacific Drive

Main stem canker with associated decay

Informational Street Tree Removals

**The following trees were removed prior to the Tree Commission due to being
dead or in an imminently hazardous condition.**



825 Eureka Avenue

Split main scaffold branch



825 Eureka Avenue

Pruning wound with poor closure and decay



825 Eureka Avenue

Girdling root at base

Item: 6C
Meeting Date: March 18, 2021

Commission Initiative

The Tree Commission will discuss the following Commissions proposal

Improving City of Davis Decision Making: An Open Letter

Informed and transparent decision-making is an essential pillar of good local governance. In Davis, this pillar is eroding. Recent years have seen multiple alarming instances of secretive action, shortsighted planning, and disconnect between community and leadership priorities.

We the undersigned—including current and former members of city commissions—call on City Council to address these issues. Specifically, we urge swift adoption of the attached common-sense proposals regarding (1) transparency, information disclosure and public engagement, (2) city commissions, and (3) advancement of significant actions and initiatives.

An unparalleled level of civic engagement and civic pride is one of Davis's greatest strengths. Over 120 Davis citizens participate on city commissions (a term that also includes city boards, task forces, and committees), volunteering substantial time and effort to hear public comments, provide expert analysis, and propose informed actions on the issues that shape Davis' present and future. In short, commissioners work tirelessly to ensure that the public voice is heard at all levels.

Because they serve as conduits between Davis government and Davis residents, commissioners are sometimes referred to as the "eyes and ears" of the City Council. Unfortunately, distance has grown between the City's eyes and ears and its core executive bodies. Council and staff routinely make major decisions following only cursory consultation with relevant commissions. In the most egregious cases, such as with the BrightNight lease option agreement, relevant commissions are not consulted at all.

When commissions do have the opportunity to give input, commission perspectives are often given less weight than staff perspectives. This is evidenced in part by the fact that staff representatives regularly participate in Council deliberations on key items, but commission representatives are rarely invited or allowed to participate.

Other challenges further undermine the capacity of city commissions to participate actively in decision making.

First, Council makes very little information available about the nature of its closed sessions. While confidentiality of details may be justifiable in some cases, near-complete opacity surrounding the subjects and outcomes of closed sessions is not.

Second, conflicting guidance from City staff renders it functionally impossible for different commissions to collaborate on topics of mutual interest.

Third, the City provides almost nothing in the way of commissioner onboarding and training. This means that commissions are largely populated by individuals who have deep subject-matter expertise, but limited knowledge of how to contribute that expertise productively.

City Council can correct these problems by adopting the attached proposals. The result will be a Davis that is shaped by all its residents—a Davis that is not just a city, but a community.

July 23, 2020

The following signatories to this letter and the attached proposal are signing as individuals, not as official representatives of their city commissions or any other organization. Names are listed in alphabetical order, and people's affiliations are noted for information only.

Crilly Butler, former Commissioner, Bicycling, Transportation and Street Safety Commission

Michael Corbett, former Mayor of Davis

Larry Guenther, Chair, Tree Commission

Dillan Horton, Chair, Police Accountability Commission

Lorenzo Kristov (cosimo91@gmail.com), Commissioner, Utilities Commission

Elizabeth Lasensky, Chair, Senior Citizen Commission

Richard McCann (rjmccann58@gmail.com), Commissioner, Natural Resources Commission

Roberta Millstein, Chair, Open Space and Habitat Commission

Jeff Mischkinsky, Member, Broadband Advisory Task Force

Alan Pryor (ozone21@att.net), Commissioner, Natural Resources Commission

Greg Rowe, Commissioner, Planning Commission

Hannah Safford, Co-Chair, Natural Resources Commission

Johannes Troost (johannes2020@gmail.com), Chair, Utilities Commission

Erik Vink, Alternate, Recreation and Park Commission

Colin Walsh, Commissioner, Tree Commission

Matt Williams (mattwill@pacbell.net), former Chair, Finance and Budget Commission

For further information about this proposal please contact any of the signatories who have provided email addresses.

July 23, 2020

A Proposal for Improving City of Davis Decision Making

This document offers for public discussion specific proposals for improving the way the Davis City Staff develops proposals to bring to City Council for consideration and approval, as well as the criteria City Council follows in deciding whether to approve proposals presented to it. The objective is to establish and follow city procedures and practices for transparency, information disclosure, public engagement and collaboration, in particular to ensure effective collaboration between City Staff and City Commissions and other volunteer resident experts, so that the City as a whole can realize the full benefits of its considerable local expertise.

This proposal may be refined and improved in the coming months, to be finalized and adopted at the start of the next City Council session or sooner if possible. Upon adoption by the City Council, the City Manager will be responsible for implementing these practices and ensuring City Staff's ongoing adherence.

Elements of the Proposal

The proposal is organized in three sections:

- A. Provisions regarding transparency, information disclosure and public engagement
- B. Provisions regarding City Commissions
- C. Provisions for developing and making decisions on Staff proposals submitted for City Council action.

A. Provisions regarding transparency, information disclosure and public engagement

The intent of California's open meetings law, also known as the Brown Act, is quite clear.

California Government Code, Section 54950: opening paragraphs of the Brown Act:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them.

The people, in delegating authority, do not give their public servants the right to decide what

is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Attorney General Opinion No. 10-206, Dec. 27, 2011, p 2:

The open meetings law known as the Ralph M. Brown Act (Brown Act or Act) was adopted “to ensure the public’s right to attend the meetings of public agencies,” as well as “to facilitate public participation in all phases of local government decision-making and to curb misuse of the democratic process by secret legislation by public bodies.”

To ensure that the City complies with the spirit and intent of the Brown Act, the City Council must be consistently and unambiguously clear that the City Attorney’s obligation with respect to the Brown Act is to maximize transparency, information access and public engagement. Every effort should be made to avoid technical readings of the law to enable closed sessions of City Council or other non-public activities of Staff and City Council that may lead to “*misuse of the democratic process by secret legislation by public bodies.*”

In situations where the City Council and Staff determine that closed session meetings of City Council are needed and appropriate (e.g., for real-estate negotiations per Government Code section 54956.8), the City Council agenda shall provide:

- A full description of the nature of the transaction being considered in closed session;
- A full and clear description of the set of topics being discussed;¹
- Reference to the provisions in state law that allow for closed sessions on the identified topics.

Discussion of other topics in closed session is strictly prohibited unless those topics have already been discussed and resolved in open public proceedings by the City Council.

¹ The following is an example description: “Conference with Real Property Negotiators regarding Solar Facility Lease Option; Property: APN 042-140-013 (no street address) and APN 042-140-009 (City of Davis Wastewater Treatment Plant, 45400 County Road 28H, Woodland, CA 95776); Agency Negotiators: a complete list of City representatives attending; Negotiating Parties: a complete list with names of companies and individual participants; Under Negotiation: Price and terms of payment. See Government Code section 54954.5(b).

The following is an actual description from the Closed Session of 12/16/2014 ([LINK](#)) “Conference with Real Property Negotiators; Property: Easement for drainage, irrigation, and other reclamation purposes traversing 45400 County Road 28H, Davis, CA, APN 042-140-013 (City Wastewater Treatment Plant Property); Agency Negotiators: City Attorney Harriet Steiner, Public Works Director Robert Clarke, Principal Civil Engineer Michael Lindquist; Negotiating Parties: RD2035; Under Negotiation: Price and terms of payment”

Reportable actions by the Council in a closed session shall be decided by a motion and vote of the Council members present, and the results of the vote shall be included in the public announcement of reportable actions.

B. Provisions regarding City Commissions

The following provisions shall be incorporated into the Handbook for City Council-appointed commissions and shall also apply to City Council-appointed committees, task forces and other voluntary advisory or research bodies.

1. Ideally the Council should schedule its Commission Appointments meeting at least three months prior to the date when Commissioners take office. That would give the newly appointed commissioners an opportunity to (i) sit in on at least two meetings before beginning their formal tenure, and (ii) build 2-3 months of observation experience, which will result in more informed questions during the commission onboarding process.
2. Currently the commission onboarding process and materials vary greatly from commission to commission. Standardizing that onboarding process, much like the Commission Handbook has been standardized, should be completed prior to the end of FY 2020-2021.
3. Commission agendas will be prepared by the Commission Chair with input from City Staff and the Commission Vice-Chair. Staff cannot exclude from the agenda any topics the Commission wishes to discuss in their meetings that fall within the scope of the Commission's enabling City Council resolution. The Commission Chair has the discretionary right to delegate some or all of the agenda preparation responsibility to the Staff liaison, with the mutual consent of the Staff liaison.
4. Annually the Chairs from all the Commissions will meet for a full-day public workshop meeting in which each Commission will (i) explain its charge or statement of purpose and scope, (ii) give a brief review of last 12 months activities and recommendations made to City Council, and (iii) identify the subjects the Commission expects to address in the coming 12 months. As part of the meeting the Commissions will identify those subjects where their charges intersect and agree on next steps to begin collaborative efforts on those subjects. This meeting should be scheduled on a Saturday or Sunday to maximize the opportunity for public participation, much like the biennial City Council Goals retreat held in September.

5. Subject to the provisions of the Brown Act, two or more Commissions may form a Task Group consisting of members from each of the respective forming Commissions to perform a specified task, such as information gathering, research, or analysis of alternative actions the Commissions are considering. The Task Group shall not be authorized to make decisions on behalf of its forming Commissions, and should be sized so that it may meet and perform work without requiring publicly noticed meetings. The Task Group will be required to report on its activities, results, findings, etc., in public meetings of all the Commissions participating in the Task Group. City Staff will support the Task Group by providing information as required to fulfill its charge.

If requested by any of the participating Commissions in a Task Group, those Commissions will hold a joint publicly-noticed meeting to decide on any joint recommendations and/or reports they wish their respective Commissions to collectively make to City Council or the Planning Commission. Commissions may also make their own individual recommendations to City Council per their normal procedures.

C. Provisions for Staff development of and City Council decision making on proposals regarding specific City initiatives and actions

Applicability: This framework shall apply to all significant actions and initiatives being considered by the City, whether by direction of City Council or for another reason, including but not limited to:

- climate mitigation, adaptation and resilience measures
- environmental measures related to water, stormwater, trees, habitat and energy
- measures to support local businesses and regional agriculture
- economic development applications and proposals
- housing development applications and proposals
- city procurement and contracting
- alternative uses of city real estate or other property
- alternative uses of public space
- changes to current city utility services

- consideration of new city utility services
- other (e.g., social services, public safety services, parks and recreation, ...)

Consultation Plan: As City Staff begin consideration of an initiative, either by direction of City Council, initiation by City Staff, or for another reason, they shall develop a Consultation Plan for formulating the proposal they will ultimately bring to City Council for approval. The Plan shall describe the following activities and elements:

1. Clearly state the initiative's purpose and objectives, or the problem to be addressed, and any constraints that the final proposal must respect;
2. Identify City Commissions or other Council-appointed bodies whose charge is relevant to the initiative and specify outreach to the key Commission chairs to develop agenda items for discussion;
3. Obtain input from Commissions on:
 - a. the initiative's purpose and objectives, or problem to be solved,
 - b. criteria for evaluating alternative ways to meet the objectives,
 - c. ways the initiative has linkages to other City or community matters, and
 - d. other items raised by Commission members and subject matter experts;
4. Identify parties or segments of Davis population, as well as regional stakeholders, who might be affected by the initiative and ask how they will be affected;
5. Create outreach plans for:
 - a. affected parties, stakeholders and population segments,
 - b. community organizations working in relevant areas,
 - c. the general public, and
 - d. regional collaborators;
6. Identify any need for closed sessions of City Council and the rationale for such needs (see part A above for requirements regarding closed sessions).

Final Staff Report for City Council or Planning Commission Action: The final staff report submitted by City Management for a City Council or Planning Commission meeting where City Staff is seeking approval of its proposal, shall include three additional sections: (i) Commissions/Committees Identified as Relevant, (ii) Public Outreach and Commission

Engagement Activities, and (iii) Formal Commission Recommendations. The first section would simply list the commissions and other Council-appointed bodies whose charge is relevant to the topic of the staff report. The second section would describe what, if any actions, were taken to engage those commissions (and the public) on that topic. The third section would include any formal recommendations adopted by Commissions that engaged in considering a proposal. Those recommendations would be advanced in full, rather than as a summary in the Staff Report. Further, the final staff report must include a description of any closed sessions of City Council conducted as part of the initiative, with an explanation of results of the closed session, a report of votes taken in the closed session, and how the closed session discussions complied with the applicable provisions of California Government Code.

If a staff report lists a particular commission in Section (i) described above, then that staff report must be directly transmitted to all the members of that commission via email at the same time that the staff report is transmitted to Council or other primary recipient of the report. It is not enough to just post the staff report on the City website.

The Staff Report to the City Council or Planning Commission on a proposed action shall provide verbatim all proposals and recommendations from City Commissions in addition to any proposed action by the Staff. The Staff Report may provide Staff's objective assessment, with supporting documentation, of the merits and drawbacks of each proposal for the Council or Planning Commission to consider. The Staff Report shall not definitively oppose any proposal from a City Commission unless that proposal is expressly illegal or against a City policy previously adopted by City Council.

With regard to outside party proposals, such as development applications, purchase, sale and/or lease agreements, the Staff shall not advocate on behalf of a proposal or its proponent in presentations before the City Council or Planning Commission. Only the proponent, or members of the public, or a Council-appointed body such as a Commission that formally adopts a motion in support of the proposal may advocate for an outside party proposal. In particular, Staff shall not opine on whether a project requirement recommended by a City Commission is feasible or not for financial or any other reason other than identified legal restrictions. Rather, it shall be the proponent's responsibility to justify any rejection of a Commission-recommended requirement to the City Council or Planning Commission. The proponent shall be provided sufficient time to present all relevant details of its proposal before the City Council or Planning Commission.

City Council Deliberation and Action:

If a staff report lists a particular commission in Section (i) described above, then a representative of that Commission shall be empowered to participate in any publicly noticed discussion of the item in the report, with equal status as the lead staff member in that discussion. If the Commission passes a formal recommendation on the item, the Commission will designate a specific member to represent the Commission in the publicly noticed discussion. Otherwise the representative shall be the Commission chair by default, or another Commission member designated by the chair. Note that listing a Commission in the staff report on a particular topic would be an invitation for a representative to participate, not a requirement.

If the Staff Report does not demonstrate full compliance with all of the requirements described in this proposal, City Council shall defer action on the initiative and direct City Staff to remedy the deficiencies.

Upon adoption, the City Manager will be responsible for implementing these elements and ensuring City Staff's ongoing adherence. The City Council will consider the City Manager's performance of these responsibilities in its regular assessment of the City Manager's overall performance. Such a review shall be held in a public session by the Council.

Item: 6D
Meeting Date: March 18, 2021

Davis Municipal Code Chapter 37 Updates

**The Tree Commission will review and provide comments for the draft
revision of the tree ordinance**

DRAFT TREE ORDINANCE	Recommendations	REUTER COMMENTS	CRAMER COMMENTS	GUENTHER COMMENTS	WALSH COMMENT
ARTICLE 37.01 - ADMINISTRATIVE PROVISIONS	Leave Appendix with specifications and documents	Leave list and links for all document directly related to the goal of this ordinance even if not specifically mentioned. This allows reader/user to easily obtain all relevant documents when considering an action	The second paragraph lists the benefits of trees. This is a good list but we should add "sequester carbon and mitigate climate change." Perhaps the ordinance should refer specifically to the Climate Emergency declaration.	Benefits to add: Regulate water flow and improve water quality. Strategic placement of trees in urban areas can cool the air by between 2 °C and 8 °C Trees provide habitat, food and protection to plants and animals, increasing urban biodiversity. Trees can provide food, such as for the birds and larvae which	It is the intent of this chapter to establish regulations for the planting of new trees and the preservation and protection of city trees (street trees, trees in parks, greenbelts, and open spaces, on city property or easements), landmark trees, parking lot trees, and certain private trees in order to retain and augment the health of the existing community forest. (Ord. 2099 § 1, 2002)
37.01.010 INTRODUCTION AND PURPOSE OF CHAPTER. The City of Davis acknowledges the importance of trees to the community's health, safety, welfare and tranquility. Much of the city's admired and valued appearance and ambience is due to its tree canopy, a dominant visual and spatial element of the landscape and urban form. Trees maintain an aesthetically pleasing environment and can provide environmental, social and economic benefits.	Add to resolution for ordinance adoption: For newly planted trees and existing City trees, a goal of the Ordinance should be to create an environment where trees can flourish	For newly planted trees and existing City trees, a goal of the Ordinance should be to create an environment where trees can flourish	Add, comment on benefits of trees to climate change		Specifically, trees increase property values, provide visual continuity, provide shade and cooling, decrease wind velocities, provide erosion control, conserve energy, reduce stormwater runoff, act as filters for airborne pollutants, provide privacy, provide habitat and food value, and release oxygen. The community forest shall be prudently protected and managed to secure these benefits.
Add to ordinance: "sequester carbon and mitigate climate change." Add "Trees provide habitat, food and protection to plants and animals, increasing urban biodiversity."					Monitoring should be included in definitions and distinguish between compliance monitoring during initial construction/plant phase and long-term compliance monitoring

<p>The provisions of this Chapter shall apply to all regulated activities affecting Protected Trees, excluding those activities undertaken by the City. Trees that are not Protected Trees are not subject to the provisions of this Chapter. When a Tree qualifies as more than one type of Protected Tree, the more stringent requirements apply.</p>	<p>tree maintenance, planting activities and fines undertaken by the City," rather than a broad exclusion.</p>	<p>Make a note that activities undertaken by City are excluded with an explanation</p>	<p>change last sentence to read, "...The more stringent requirements shall apply."</p>
<p>37.01.030 DEFINITIONS. The following words are defined for purposes of this chapter as follows:</p>	<p>add definition of "Establishment Period" as 5 years (it is currently inconsistent).</p>	<p>add definition of Urban Forest. There is a definition of Community Forest (privately owned trees) and Urban Forest Manager, but Urban Forest is not defined.</p>	<p>Need definition of "Establishment Period". Inconsistent throughout document. Sometimes 3 years, sometimes 5, Need definition of Urban Forest. There is a definition of Community Forest (privately owned trees) and Urban Forest Manager, but Urban Forest is not defined.</p>
<p>ANSI A300 Standards means the industry standards, as adopted and amended from time to time, for woody plant management (e.g. Pruning, Fertilization, etc.) published by the American National Standards Institute (ANSI).</p>	<p>Appraised Value is the estimated dollar value to Reproduce, Functional Replacement, or Repair a Tree as determined by using the current edition of the Council of Landscape and Tree Appraiser's Guide for Plant Appraisal.</p>	<p>Should be a discussion in the future on a realistic monitoring program to evaluate mitigation measures, parking lot shade trees and other items that would help guide management decisions. Monitoring should extend further into future w/developer picking up the cost. assess current health of the urban forest and evaluate long-term progress in meeting goals of the Urban Forestry Division</p>	
<p>Arborist means an individual currently certified as an Arborist by the International Society of Arboriculture (ISA) or registered by the American Society of Consulting Arborists (ASCA).</p>	<p>Arborist Report means a report prepared and signed by an Arborist containing specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one or more Trees on an individual lot or project site.</p>		

Building Permit refers to any permit required by the Community Development and Sustainability Department (CDSD) for any construction (above-ground or underground).

Canopy means the top part of the Tree, which features branches, foliage, flowers, and seeds that grow out from the main trunk and support the various leaves used for photosynthesis.

City Arborist means an Arborist employed by the City responsible for review, evaluation and/or preparation of reports, permits and requests regarding Pruning, construction Damage, Removing and/or relocating City-owned or other Protected Trees. In performing these duties and responsibilities, the City Arborist may conduct field inspections independently as an authorized representative of the City.

City Master Street Tree List refers to the Tree Commission-approved species list for Street Trees and parking lot trees.

City Tree means any Tree planted or maintained by the city within a city easement, right-of-way, park, greenbelt, public place or property owned or leased by the city that is not inventoried as a Street Tree.

City Tree Management Program refers to the identified portion of the city budget that is used for Street Tree and City Tree planting, replacement, mitigation, establishment and maintenance.

This part is more than a definition. It is an assigned responsibility. Recommend moving to a responsibilities section and not in the definition: "In performing these duties and responsibilities, the City Arborist may conduct field inspections independently as an authorized representative of the City."

Recommend adding that the list is updated as needed. Recommend adding that the list has use categories for tree species.

Note that this includes street trees

This part is more than a definition. It is an assigned responsibility. It probably belongs somewhere else "In performing these duties and responsibilities, the City Arborist may conduct field inspections independently as an authorized representative of the City."

It should be noted City Master Street Tree List changes over time so it is a list of what currently can be planted as a city tree, but does not include all the trees that are city street trees. Also, if we are consolidating the definition of street tree and city tree then this name has a redundancy. Separately, I think there should be a different list of approved parking lot trees that is tailored to that environment.

If there is an effort to collapse street tree and city tree definitions, then this definition doesn't make sense. I am leaning to not collapsing the definitions. Or maybe better is to have street tree be a subset of city trees.

City Tree Planting and Maintenance

Specifications are the city-adopted standards for care of Trees, including, but not limited to, Tree planting, Young Tree care, Pruning, mulching, fertilization, Irrigation, pest management and Removal and replacement.

Community Forest refers to all publicly and privately-owned Trees within the city, its open space areas, and surrounding planning area(s).

Community Forest Management Plan (CFMP) is the city's long-term plan for comprehensive management of the community forest.

Critical Root Zone (CRZ) means the area defined by the Drip-line Radius plus 1 foot or 1.5 times the Diameter at Breast Height value in feet for Trees with an asymmetrical Canopy, whichever is greater.

Cutting means the trimming, detaching or separating of any limb, trunk or portion of the trunk, root, or any other part of a Tree.

Damage means any action undertaken that causes injury, death or disfigurement of a Tree. Damage may occur by, among other means, Cutting, poisoning, overwatering, under watering, relocating or transplanting a Tree, or Grading or compaction of soil within the Critical Root Zone of a Tree.

Day means one calendar Day.

Developer means any developer or individual creating new single-family, duplex or multifamily lots or developing multifamily or commercial property.

Diameter at Breast Height (DBH) means the diameter of a Tree measured at four feet six inches above ground level. The diameter may be directly measured with calipers or diameter tape or be calculated by use of the following formula: DBH = circumference at breast height divided by 3.14.

Director means the Department Head of the Parks and Community Services Department or designee.

add sentence "this shall include redevelopment and/or infill projects"

this needs to also specifically cover redevelopment

<p>Discretionary Project means any non-ministerial development entitlement that is subject to the approval of either the City Council, Planning Commission, Subdivision Committee, or by City staff through an approved process. Discretionary Projects include, but are not limited to, conditional use permits, tentative modifications to historic resources, minor improvements, sign permits, variances or planned developments.</p>	<p>remove "Subdivision Committee"</p>
<p>DripIine Radius (DLR) means a circle around the Tree with the radius being the distance equal to the longest branch of the Tree, measured in feet.</p>	
<p>Engineered Soils means soils that are designed to provide both favorable conditions for root growth and structural stability for construction, and are manufactured of specific ratios of sand, silt, clay, and other organic amendments.</p>	<p>Are structural soils included in the definition of Engineered Soils</p>
<p>Encroachment means any activity conducted within the Tree Protection Zone and/or the Critical Root Zone of a Protected Tree.</p>	
<p>Functional Replacement means replacing a Tree with another that provides equivalent utility, benefits, or function.</p>	
<p>Grading means the trenching, boring, removal, movement, addition, or compaction of soil or earth material.</p>	
<p>Heat Island means an urban or metropolitan area that has higher average temperatures than surrounding rural areas due to the greater absorption, retention, and generation of heat by buildings, pavements, and human activities.</p>	
<p>Irrigation means application of water by artificial means.</p>	
<p>ISA Best Management Practices (BMPs) means recommended methods for the planting, care, maintenance, protection, risk assessment, and Pruning of Trees prepared by the International Society of Arboriculture.</p>	
<p>Landmark Tree means a Tree that has determined by resolution of the City Council to be of high value because of its species, size, age, form, or historical significance.</p>	<p>"Subdivision Committee" is a defunct commission. What other commissions should be here instead? We should add "including if a zoning change is necessary"</p>

Major Impact means Damage to 20% of the CRZ or 25% of the Canopy. Mitigation is typically required for Trees subjected to Major Impacts, even if the Tree is not Removed.

Major Pruning shall apply to both above-surface and underground Cutting. For branches, it shall mean the Removal of more than twenty-five percent of the leaf area of the Tree or Removal of any limb with a diameter of four inches or a circumference of 12.6 inches or greater at the pruning location. For Roots, "Major Pruning" shall include the Cutting of any Root four inches or greater in diameter at any point on such a Root.

Minor Impact means Damage to less than 10% of the CRZ or 10% of the Canopy. Mitigation is typically not required for Trees subjected to Minor Impacts.

Minor Pruning means the Cutting of any individual branch of less than four inches in diameter or any Root of less than four inches in diameter at the point of the cut on such branch or Root. The cumulative amount of Pruning shall not be more than 25 percent of the leaf area of the live Canopy. Removal of dead limbs is considered Minor Pruning, regardless of the limb diameter.

Mitigation is the act of compensating for healthy Tree Removal or Damage by planting a proportionate number of Replacement Trees based upon the species and size of each existing Tree that is lost, payment of in lieu fees equal to the current Appraised Value of the Tree, or taking other actions to restore and biologically enhance existing green space.

Moderate Impact means Damage to between 10% and 25% of the CRZ or Canopy.

Mitigation requirements for Trees subjected to Moderate Impacts will be evaluated on a case by case basis.

Modification refers to direct (e.g., Pruning) and indirect (e.g., grade changes, trenching, compaction) impacts to a Tree and changes to Trees in the surrounding area that results in structural or health impacts to the Tree.

The definition of Mitigation reads as though replacement trees will be partially based on size of removed or damaged tree. What about for large and very large trees

Parking Lot Shading Guidelines refers to the technical handout for design and shading of new and/or re-constructed parking lots.

further discussion for guideline development for parking lots to add clarity if this applies to re-constructed parking lots (e.g. B of A parking lot downtown), there needs to be a landscape plan as part of the permit documents. This implies that reconstructed parking lots need to be brought up to current standards of the Parking Lot Shade guidelines. Who inspects and enforces?

Need clarity. If this applies to re-constructed parking lots (e.g. B of A parking lot downtown), there needs to be a landscape plan as part of the permit documents. This implies that reconstructed parking lots need to be brought up to current standards of the Parking Lot Shade guidelines. Who inspects and enforces?

Planting Strip means the ten-foot zone behind the sidewalk (or if no sidewalk exists, behind the street curb, gutter, edge of street, or property line at street) within either a City-owned easement or right-of-way used for planting and maintaining City Trees.

Private Tree means any Tree privately owned and growing on private property, which may include Landmark Trees.

Protected Tree means Trees protected under this article: Landmark Trees, City Trees, and Private Trees.

Prune shall refer to both above surface and underground Cutting; to cut off or cut back parts to enhance health and structure. All Pruning shall conform to the guidelines set forth in ANSI A300 Pruning Standards and follow the Best Management Practices of the ISA.

Removal means Removal of a Tree by Cutting to the ground, complete extraction, or killing by spraying, girdling, or any other means.

Repair means to correct or Mitigate Damage so that Tree will continue to provide benefits similar to those provided prior to Damage.

Replacement Tree means Tree required to be planted as Mitigation for Removal of a Protected Tree in accordance with the requirements of this Chapter.

Reproduce means to replace a Tree with a virtually identical Tree of the same species, size, shape, and condition.

Clarify. Add language here about trees on commercial and industrial property, including apartments

This should include Street Trees

Roots means the underground parts or appendages of a Tree providing functions including anchoring and providing water and nutrients to the Tree.

Single-Family or Duplex Dwelling means up to two dwellings on a lot designed for and/or occupied by one family per dwelling.

Solar Easement means a right of a property owner to legally protect access of property to direct sunlight.

Street Tree means any Tree planted, inventoried, and/or maintained by the City, or recorded as a Street Tree, located adjacent to a street or within a City easement on private property or within the City right-of-way in front of a given property.

Street Tree Planting Requirements are the standards and requirements for Developers to plant Street Trees for each lot fronting a public right-of-way and to pay Street Tree fees, as referenced in Section 37.02.040.

Topping / Top is reducing the size of the vertical stem leader and/or upper primary limbs on Trees back to an improperly sized lateral branch.

Tree means any woody perennial plant having one or several main stems commonly achieving ten or more feet in height and capable of being Pruned and shaped to develop a branch-free trunk at least nine feet in height, with at least one trunk measuring five

Tree Modification Permit is a permit granted by the City of Davis Urban Forestry Division for Tree-related work to be performed within the Tree Protection Zone of a Protected Tree or the Tree Modification Permit Application refers to the completed application required prior to consideration for a Tree Modification Permit.

Tree Preservation Fund refers to the Tree management and preservation fund maintained by the City for use as needed for specialized preservation projects of the Community Forest. Tree Mitigation fees will be deposited into the Tree Preservation Fund.

Tree Preservation and Protection Standards are the City standards for preservation and protection of Trees during construction.

Recommend finding language better than "family"

Note that this is a subcategory of City Tree

This language is arcane and does not properly apply in Davis particularly in light of student living groups.

Tree Protection Zone (TPZ) means the area to be fenced during construction as shown on the approved plans for any Discretionary Project.

Add based on ISA best management practices.

Trunk-Inch means the inches of trunk diameter as expressed in DBH and is used to calculate Mitigation requirements.

Tree Removal Request means an application to the Parks and Community Services Department and reviewed by the Tree Commission to Remove a City Tree or Landmark Trees under Section 37.05.050. (Ord. 2099 § 1, 2002; Ord. 2390 § 3, 2012

Trunk-Inch means the inches of trunk diameter as expressed in DBH and is used to calculate Mitigation requirements

Urban Forest Manager is the manager of the

37.01.040 POWERS AND DUTIES.

Where is the definition of how to determine a TPZ and what shall be done to protect it during construction?

Tree protection zones will vary according to the species, size, location, and health of a tree and shall be designed for maximum flexibility of shape and minimum effectiveness of size. However, where compelling information to the contrary regarding a particular tree in its particular setting is not available the minimum tree protection zones shall be established as follows: For existing trees: a circle with a radius extending from the tree trunk a distance equal to 12 times the trunk diameter at breast height, or to the tree's dripline plus five feet, whichever distance is greater.

[1.] For newly planted trees: a circle with a radius of no less

A. Tree Commission. The Tree Commission shall review and approve or deny Tree Removal Requests; hear appeals from decisions of the Urban Forest Manager regarding public nuisances; hear appeals regarding denials of Tree Modification Permit Applications; and review and make recommendations to City Council regarding designations of Landmark Trees.

Recommend defining Tree commission as, an advisory body established through the City of Davis Tree Commission establishing resolution with powers and duties as written there in.

Current defined Function of TC does not include or even allude to any role the TC has in project review and policy review.

The list doesn't provide for our reviewing the Draft Tree Ordinance. Let's add "Review and provide input to all City policies and regulations that pertain to trees."

Tree Commission. This scope seems very limited. It is not consistent with the charter of the Tree Commission.

From the establishing resolution: " The Davis Tree Commission is to act in an advisory capacity on tree related matters including.... This language from the establishing ordinance should be included here. It is some of the most important language in the establishing ordinance for how the tree commission relates to this ordinance. Add in here that the tree commission reviews all new development proposals on

Commission review is applicable for projects that are over 5 acres, 20 trees or include a Landmark Tree, or when City staff deems commission consultation is necessary.

add inspection. Add that "UFM or their designee is the liaison to the Tree Commission"

Under the role of the Urban Forest Manager it should read: The Urban Forest Manager will coordinate with other city department on matter related to maintain the urban forest.

Urban Forest Manager. There is no mention of inspection or enforcement of the requirements of the Tree Ordinance.

enforcement deserves its own definition. There is no mention of the Urban Forest Managers relationship to the Tree Commission.

B. Urban Forest Manager. The Urban Forest Manager shall be charged with the enforcement of this chapter and shall be responsible for the selection, planting, maintenance, preservation, protection, and Removal of City Trees in accordance with the provisions of this chapter. The Urban Forest Manager may coordinate with other city departments and/or local agencies non-profit/private groups as necessary to maintain the urban forest. The Urban Forest Manager shall create and publish documents as required to facilitate implementation of the ordinance.

Article 37.02 - CITY TREES

37.02.010 APPLICABILITY.

This Article concerning City Trees is applicable to all properties having a City Tree and to all Discretionary Projects or projects requiring a Building Permit.

37.02.020 RIGHTS AND OBLIGATIONS OF PRIVATE PROPERTY OWNERS FOR STREET TREES AND CITY TREES.

The Urban Forest Manager should also be responsible for presenting information on data/information related to results of compliance or general monitoring.

Special section and consideration given to downtown tree community

the definition of City Trees needs to explicitly include street trees

A. Private property owners shall be responsible for irrigating City Trees that exist on their property, and are subject to the restrictions contained in Section 37.02.030.

B. Private property owners may place and maintain plants on their property adjacent to or within the Critical Root Zone (CRZ) of Street Trees or City Trees adjacent to their property unless otherwise prohibited by this chapter. However, any such placement of plants within the CRZ of a Street Tree or City Tree will be at the risk of the property owner, as the city is not liable for damage of any items, including landscaping, located within the CRZ of a Street Tree or City Tree. Street Trees and City Trees shall assume priority over other vegetation. The City of Davis may require removal of other vegetation at owner's expense if it determines that such vegetation is harmful to City Tree(s) or other City of Davis Infrastructure. (Ord. 2099 § 1, 2002)

37.02.030 PROHIBITED ACTS.

A. It shall be unlawful for any person other than the Urban Forest Manager or his authorized designee to cut, Prune, spray, brace, plant, move, Remove, replace or Damage any Street Tree or City Tree or to cause the same to be done, unless an approved Tree Removal Request and/or Tree Modification Permit has been issued per Section 37.05.

Add language about construction that happens in CRZ

Add something like "prohibited acts are enforceable under section ###"

Should this include landscaping and construction? Unpermitted construction? Like a little library, a bench, or a path for example?

this needs to have a reference to consequences This is meaningless without a consequence. Should this also include: Place any rope, guy wire, cable, sign, poster or any other fixture on any shade tree or guard for any shade tree. Tree guards, regardless of height or material, and metal tree grates are strictly prohibited. (5) Injure, misuse or remove any device placed to protect any shade tree, except in case of immediate necessity for the protection of life and property

<p>A. Developers are hereby required to provide and plant Street Trees within the Planting Strip; one city Street Tree shall be planted for each lot fronting a public street and two Trees per corner lot, unless adequate Street Trees already exist or conflicts with City infrastructure make planting infeasible. Street Trees shall shade at least 30 percent of total street paved surface at fifteen-year growth of the Tree Canopy. Determination as to whether adequate Street Trees exist shall be made by the Urban Forest Manager at the time of the approval of a Discretionary Project based upon site conditions, Canopy coverage, existing Tree species and condition, and conformance with the City's Street Tree planting requirements.</p>	<p>Recommend keeping 50% shade. Recommend Tree Commission playing a role in approving significant projects. It would be nice if there were a matrix, but what that is needs more discussion.</p>	<p>Street tree shading requirement was reduced to 30 percent from 50 percent in the existing tree ordinance. Is there sufficient information to know that the approach for obtaining 30 percent (Street trees) tree shade cover actually works. Monitoring of parking lot shade suggests development plan met the 50 percent requirement it is rarely attained. Need to be conservative with shade requirements in case they are not achieved, i.e. too much vs. too little. How is this monitored and enforced.</p>	<p>Let's revise to read "at least one city Street Tree shall be planted for each lot fronting a public street and at least two trees per corner lot..." This section then specifies that "Street Trees shall shade at least 30 percent of total street paved surface..." Why only 30% Could/should we specify requiring as many trees as are ecologically and fiscally feasible? (Keeping in mind that trees planted now have implications for subsequent inspection, pruning, and maintenance, i.e. Rob's work load.)</p>	<p>Requirements the same for all lot sizes? This seems inadequate. Also, requirement to shade 30% of street fronting parcel is not consistent with one tree on each street frontage of lot.</p>	<p>50% shade should continue to be required in parking lots. That is the current requirement, it is achievable, but the city has not enforced it. There should be an exception for if the parking is covered with solar panels. This should read like this, "Determination as to whether adequate Street Trees exist shall be made by the Urban Forest Manager and the tree commission at the time of the approval of a Discretionary Project based upon site conditions"</p>
<p>B. Nursery stock will conform to current ANSI Standards and is subject to inspection by Urban Forest Manager or their designee prior to installation. Developer shall provide a minimum of 5 Days notice to Urban Forest Manager prior to delivery of nursery stock to a project site. Any Street Trees installed without proper notice and deemed out of compliance with ANSI A300 Standards shall be Removed and replaced as directed by Urban Forest Manager at Developer's expense.</p>	<p>Ask legal how long we can require street tree fees cover tree maintenance. 5 years? 10 years? Forever?</p> <p>recommend including " Climate Emergency declaration and say that trees planted should sequester as much carbon as possible?" to the master tree list</p>	<p>Cost of planting new trees should not be limited by cost to the developer. Rather, the best practice available to insure maximum shade to the road</p>	<p>This section requires nursery stock to conform to ANSI standards. I don't know what those standards are, but should we refer to the Climate Emergency declaration and say that trees planted should sequester as much carbon as possible?</p>		
<p>C. Street Trees shall be provided a minimum rooting volume for mature Tree growth as described in the City Tree Planting and Maintenance Specifications.</p>	<p>Check for minimum root volume definition. Maybe add above in definition section.</p>	<p>Have the root volume specification been successful in the past for street trees</p>			
<p>D. Trees installed by Developer shall be subject to inspection and approval by Urban Forest Manager prior to issuance of final occupancy permit.</p>	<p>add, "Trees installed by Developer shall be subject to inspection and approval by Urban Forest Manager, before and after tree hole is backfilled, prior to issuance of final occupancy permit"</p>	<p>Developers should be required to monitor street trees for 15 years</p>	<p>Trees installed by Developer shall be subject to inspection and approval by Urban Forest Manager, before and after tree hole is backfilled, prior to issuance of final occupancy permit</p>		

E. Developers are required to deposit a Street Tree fee, as established by the city council by resolution, for use by the city during an initial three-year establishment period and after any warranty period assigned to the project has expired. During the initial three-year establishment period, the city may provide, among other services, structural pruning, stake removal, weeding, and mulching of Street Trees, funded by Street Tree fees. The time of payment shall be concurrent with the final map recordation or as required by law. (Ord. 2099 § 1, 2002)

F. Any requirements imposed under this chapter including protection of existing Trees, new Tree planting requirements, Street Tree fees and/or an independent certified Arborist's report shall be completed, or performance secured, to the satisfaction of the Urban Forest Manager and the CDSD, prior to issuance of the Building Permit or Discretionary Project permit. (Ord. 2099 § 1, 2002)

ARTICLE 37.03 - LANDMARK TREES

37.03.010 APPLICABILITY.

This article relating to Landmark Trees is applicable to all properties that have a city council approved Landmark Tree on the property.

37.03.020 RIGHTS AND OBLIGATIONS OF PRIVATE PROPERTY OWNERS.

Private property owners shall be responsible for all necessary care of privately owned Landmark Trees to maintain them in good condition. This may include, but is not limited to Irrigation, Pruning, and treatment of pests and disease as appropriate for the individual Tree.

Any work performed on a Landmark Tree must be performed to the ANSI A300 Standards and supervised by an ISA Certified Arborist. The work should be performed by an ISA Certified Tree Worker.

37.03.030 PROHIBITED ACTS.

recommend 5 year establishment period

Why only a three-year period for the required deposit of street tree fee. Three years seems like such a short period

Make "Establishment Period" consistent throughout document, i.e. 3 years or 5 years?

establishment period should be at least 5 years

an Forest Manager and Community Development and Sustainability Department both have to sign off on Arborist's report?

recommend stating that any tree within the City limits and jurisdictional preview of the city of Davis can be nominated and become a Landmark Tree.

somewhere in here it needs to say what can be designated as a landmark tree? Must it be in city limits? Can it be at a school? What trees are eligible?

Make sure this is clear. Include a standard of care for landmark trees.

this is unclear. In this paragraph certain responsibilities are ascribed to the home owner but in the next paragraph it says it must be supervised by a certified arborist. This should be more clear what must be supervised and what can be done by the home owner

No person shall Remove; Prune, including Roots; change grades, encroach with impermeable surfaces, or substantially alter the existing landscape within the Tree Protection Zone; Top; or relocate any Landmark Tree unless an approved Tree Removal Request and/or Tree Modification Permit has been issued per Section 37.05.

37.03.040 DESIGNATION

A. Process. Any person may and is encouraged to submit a proposal to designate a Tree as a Landmark Tree. Property owners of Trees under consideration, if different from applicant, shall be notified that a proposal has been submitted and shall have the opportunity to be fully involved in the designation process. Proposals shall be reviewed by the Urban Forest Manager and sent to the Tree Commission for its review. Upon an affirmative recommendation by the Tree Commission, the Landmark Tree designation proposal shall be sent to the City Council for review and action. A Tree may be designated as a Landmark Tree if it meets any of the following criteria:

1. The Tree is an outstanding specimen of a desirable species;
2. The Tree is one of the largest or oldest Trees in the City;
3. The Tree is of historical interest; or
4. The Tree is an unusual species or specimen, is in a significant grove or is otherwise unique.

The Urban Forest Manager shall notify, in writing, the person who submitted the proposal and the Tree owner (if different from the applicant) of the City Council's decision.

add upon property owner approval to move forward

Can a resident recommend that a City tree be designated as a landmark

3 Historic value, how is "How is historic value defined?" maybe this should have some more info on what that means.

Text appears to say that a non-landowner can recommend a tree on private property as a Landmark

Does this Article include non-street trees on commercial, industrial and multi-family properties

1. When considering designating, removing designation (per Section 37.03.050) or Removing (per Section 37.05.050) Landmark Trees of historic value, the Historical Resources Management Commission shall be given the opportunity to comment on the proposal prior to Tree Commission review. (Ord. 2099 § 1, 2002)

B. Benefits to property owners. Owners of property of a Landmark Tree(s) are eligible to receive benefits for the care and maintenance of their Landmark Tree. Typical benefits may include:

1. Owners shall receive a resolution of appreciation from the City of Davis.
2. Consultation and advice from the Urban Forest Manager for the Landmark Tree. (Ord. 2099 § 1, 2002)

37.03.050 REMOVAL OF DESIGNATION.

A. Only property owners of Landmark Trees may request removal of the Landmark Tree designation. The property owner shall submit a written request to the Urban Forest Manager and identify the purpose and reasons for the request for removal of designation. The property owner shall be exempt from any permit fees related to this request.

B. The Tree Commission shall review the request for the removal of the Landmark Tree designation from a Landmark Tree and recommend that the designation be removed if the Tree has died, been Damaged beyond reasonable Repair as determined by the Urban Forest Manager, is diseased, or for reason(s) indicated in the designation removal request. The Urban Forest Manager shall notify the property owner, the Historical Resources Management Commission, and the Director, in writing, of the change and forward its recommendation to the City Council. The Urban Forest Manager shall work with property owner to establish a reasonable course of action that may include removal of the Landmark Tree designation. (Ord. 2099 § 1, 2002)

ARTICLE 37.04 - PRIVATE TREES

look into benefits that might be given in other jurisdictions

Benefits to Property Owners. I believe there need to be more benefits to property owners. Benefits listed are probably insufficient to induce people to ask for Landmark Tree designation.

<p>37.04.010 APPLICABILITY.</p> <p>This article is applicable to commercial, industrial, and multi-family properties, and unimproved property zoned R-1, R-2, and R-2CD. Private Trees located on properties with developed Single-Family or Duplex Dwellings are exempt from the requirements of this article. However, any type of Tree(s) located on a property with a Single-Family or Duplex Dwelling that has been preserved as a condition of approval or as part of a project description of a planned development zone shall be subject to the regulations relating to Private Trees.</p>	<p>consider adding Planned Development specifically</p>		<p>Why are single family homes and duplexes exempt from this part of the ordinance?</p> <p>this needs to include planned development designations. It is also unclear how this relates to street trees</p>
<p>37.04.020 TREE PROTECTION.</p> <p>A. Property owner shall maintain Canopy coverage of existing Trees on developed property. Trees that die from natural causes shall be replaced within 6 months of death.</p>	<p>remove natural causes - all dead trees. Replacement trees will be selected with approval from Forest Manager.</p>	<p>Add language about trees that do to negligent maintenance</p> <p>Revise to read "Property owner shall maintain or increase Canopy coverage..."</p>	
	<p>add new section regarding negligence of care per the parking lot tree maintenance plan is a violation.</p>	<p>Forest Manager should be involved in the selection of replacement trees</p>	
<p>B. No person shall Remove, conduct Major Pruning, including Roots, encroach with impermeable surfaces, or substantially alter the existing landscape within the Tree Protection Zone, top or relocate any Private Tree unless an approved Tree Removal Request and/or Tree Modification Permit has been issued per Section 37.05. Minor Pruning does not require a Tree Modification Permit.</p>	<p>add section with requirement that guidelines for maintenance and care ANSI A300 be followed</p>	<p>If trees die from property owners flagrant negligence should a fee be imposed for loss of environmental services</p>	<p>Place any rope, guy wire, cable, sign, poster or any other fixture on any shade tree or guard for any shade tree. Tree guards, regardless of height or material, and metal tree grates are strictly prohibited.</p> <p>(5) Injure, misuse or remove any device placed to protect any shade tree, except in case of immediate necessity for the protection of life and property</p> <p>Place any stone, cement or any other substance which shall impede the passage of water and air to the roots of any shade tree unless an open space of ground surrounding the trunk of such tree is maintained in accordance with the standards set forth in the City Tree Manual.</p>

37.04.030 VIOLATION OR FAILURE TO COMPLY.
Violation of this article may result in fines or project stop work orders, as described in Article 37.09.

ARTICLE 37.05 - TREE MODIFICATION PERMIT AND TREE REMOVAL REQUEST.

37.05.010 ACTIONS REQUIRING PERMIT.
Any action that may directly or indirectly affect a Protected Tree is prohibited unless approved through the Tree Modification Permit process. Acts prohibited by this chapter include, but are not limited to, the following:

- A. Pruning a Protected Tree even if done to make room for a Private Tree or to clear branches overhanging private property;
- B. Placing, applying, attaching or keeping attached any wire, rope, sign, nail, paint or other substance or structure to any Protected Tree or to any guard or stake intended to protect such Tree;

recommend a holiday or string light exemption between December 1 and January 31. (we want to prevent year round lights on trees) Add zip ties specify to the list of prohibited items.

- C. Placing or maintaining any stone, pavement or other substance so that it substantially impedes the free access of water or air or that causes soil compaction within the Critical Root Zone or to the Roots of any Protected Tree;

add a subsection prohibiting tree guards and metal tree grates

- D. Cutting Roots within the Critical Root Zone so as to cause the Protected Tree's health to decline or cause a safety hazard;

- E. Placing fencing around a Street Tree that limits access to the Tree from the street;

"wire" there should be a holiday light exemption. Something like 60 days a year. People already put holiday lights on street trees at their houses, and the downtown has lights on tons of city trees. If there is no plan to enforce this, then it should be written o actual practices.

the protection of life and property clause should probably be added

Can this standard be made more clear? How about all non permeable paving in the CRZ requires a permit? Does it anyway? Also add - Tree guards, regardless of height or material, and metal tree grates are strictly prohibited.

F. Grading so as to cut or fill greater than a 2" change of grade around the trunk or within the Tree Protection Zone of a Protected Tree. This includes temporary changes to grade such as necessary to install paving;

G. Altering the landscaping or grade of the property including trenching, in a manner that could Damage, or potentially and adversely affect the well-being of a Protected Tree. (Ord. 2099 § 1,

H. Removing Private Trees as described in Section 37.04;

I. Any other activity causing significant Damage leading to the decline of the Tree as determined by a professional evaluation.

37.05.020 EMERGENCIES.

In the event of an emergency (when a Tree is imminently hazardous or dangerous to life or property) the Tree may be Pruned or Removed, whichever is appropriate, upon notification to the Urban Forest Manager. If, due to the immediacy of the emergency, notification prior to the Pruning or Removal is infeasible or impossible, notification shall be given to the Urban Forest Manager on the next Day following the Pruning or Removal.

Notification shall be made by e-mail and telephone and include the location, a description of the problem, and the actions necessary to remediate the problem.

37.05.030 DISCRETIONARY PROJECTS AND PROJECTS REQUIRING BUILDING PERMIT.

When Protected Trees exist on or within fifteen feet of the project site, an application for a Building Permit or Discretionary Permit shall include a Tree Modification Permit Application or Tree Removal

37.05.040 TREE MODIFICATION PERMIT APPLICATION.

Any person desiring to perform any activity identified in Section 37.06.010, to any Protected Tree shall make a written application to the City of Davis and pay a processing fee, as established by the city council by resolution.

change "a professional evaluation," to "... evaluation by a certified arborist"

Define emergency in the definitions - a tree is uprooting or in danger of falling in whole or in significant part. Remove language "imminently hazardous or dangerous to life or property" and replace with better language.

Change, "... by a professional evaluation," to "... evaluation by a certified arborist

what constitutes an emergency needs to be defined

Do Tree Modification Permits apply to new street tree planting by developer

<p>A. Permit Application. The Tree Modification Permit Application shall include the following items, as applicable:</p> <ol style="list-style-type: none"> 1. Completed Tree Modification Permit Form. 			
<ol style="list-style-type: none"> 2. An Arborist Report that includes the following information for all trees on or overhanging the project: unique identification number, species, DBH, DLR, CRZ, health and hazard condition rating, recommendations for treatment or maintenance, Appraised Value for each tree proposed for preservation, and photographs showing the general site conditions. 		<p>Application needs information on how much of a loss of canopy and shading will the modification cause</p>	
<ol style="list-style-type: none"> 3. Tree Modification and Removal Plan: A scale drawing(s) showing the trunk locations and Critical Root Zone of all surveyed trees labeled by identification number corresponding to the inventory; location of proposed and existing structures and/or improvements, including, but not limited to, trenching, paving grade changes, building heights, above or below ground utilities, etc.; and clearly identifying the trees proposed for removal or modification; 	<p>add "and extent of modification"</p>		
<ol style="list-style-type: none"> 4. Tree Preservation Plan: A scale drawing(s) showing trees to be preserved, proposed project, and tree protection measures, prepared in accordance with the Tree Preservation and Protection Standards. 	<p>Ad that the permit requirements i.e. modification and removal plan, tree preservation plan and monitoring plan should be included in consideration of the development application.</p>		<p>the Tree preservation Plan needs to go to the Tree Commission for approval and then be posted in a publicly accessible space on site, like on a construction fence.</p>
<ol style="list-style-type: none"> 5. Monitoring Plan: A monitoring and reporting program for preserved or replacement trees for 5 years following the completion of construction, including the project contact (name, phone number, and address) that shall be responsible for implementing and maintaining the approved Tree Preservation Plan. 	<p>for applicable development projects the tree commission may review the tree preservation and monitoring plans.</p>	<p>with respect to both tree modification and new tree requirements, does language exist anywhere that regulates pruning practice to insure maximum canopy and shading</p>	<p>Monitoring Plan. Inconsistency with definition (which doesn't exist) of "Establishment Period." 3 or 5 years? commission in the first year and every 2 years thereafter to determine compliance.</p>
<ol style="list-style-type: none"> 6. For all discretionary projects, existing trees must be located in the field by a licensed surveyor and reflected on the project plans. 	<p>recommend removing field licensed surveyor</p>		<p>"... located in field by a licensed surveyor..." Is a licensed surveyor necessary? I don't believe it requires a licensed surveyor to place something accurately according to the landscape plan.</p>

7. A bond or other security satisfactory to the city may be required as a condition of approval, of an amount determined by the CDSD in coordination with the Urban Forest Manager and based upon the Appraised Value, to ensure the safety/health of Tree(s) during project construction. If a Tree is Damaged, as determined by the Urban Forest Manager, the applicant shall be required to a portion of the bond equal to the Appraised Value of the Tree into the Tree Preservation Fund.

B. Review of Permit Application. The Urban Forest Manager shall review the Tree Modification Permit Application and respond within 15 business Days. The decision to approve or deny the permit shall be based on the following considerations:

1. The health, age and species of the Tree and whether the proposed Modification(s) will adversely affect the Tree or surrounding Trees.
2. The extent to which design and placement of development incorporates existing healthy Trees into the site design.
3. Whether the permit applicant can achieve its goals without Modifying/ Removing a Tree. The Urban Forest Manager shall consult with the applicant if they believe such alternative action is feasible.

4. If the proposed act and the proposed method complies with ANSI A300 Standards and follows the International Society of Arboriculture Best Management Practices

5. The visual prominence and function of each Tree on the site.

C. Appeal of permit. Within ten calendar Days from receiving the Tree Modification Permit, the applicant or other interested party may file a written appeal to the Tree Commission. An appeal of a decision of a permit application by the Tree Commission may be made within ten calendar Days from receiving a decision. Such appeal shall be made to the City Council pursuant to Chapter 40 of this Code. (Ord. 2099 § 1, 2002; Ord. 2269 § 2, 2006; Ord. 2271 § 1, 2006)

37.05.050 TREE REMOVAL REQUEST.

Is a 15 day review period sufficient for Urban Forester

Is the Urban Forester required to present reasons for denial in writing to applicant

I would like to see review of major projects by the tree commission included here. This should include Multifamily and commercial or new subdivisions

A. Permit application. Any person desiring to Remove a City Tree or Landmark Tree, not part of a Building Permit or Discretionary Project review, shall complete the Tree Removal Request form and submit along with a processing fee, as established by the city council by resolution, to the Urban Forest Manager. The applicant shall identify the Tree(s) to be Removed, including species, size, condition, and location. If appropriate, the applicant shall also explain the purpose and proposed manner of Removing the Tree(s).

1. The request will require the signatures of adjacent property owners impacted by the potential Removal acknowledging that they have been informed of the request.

B. Approval of Tree Removal Request. If the Tree Commission finds that no alternative, other than Removal of the Tree is available to meet the applicant's goals, the Tree Commission may approve the Tree Removal Request. Requests shall not be approved unless one of the following shall apply:

change to, "that does not require a building permit or discretionary project review i.e. also not new developments"

This seems to be written backwards, should say the tree commission can approve removal request under these conditions then list conditions.

The difficulty here is it assumes current zoning is followed, but we have seen in recent years every significant development comes with a significant zoning change. I would like to see this ordinance use the existing zoning to determine "reasonable development" to disallow up zoning that then requires tree removal.

1. The Tree(s), due to its location in respect to need discussion for expanded tree topography and required setbacks and easements, prevents reasonable development of permitted uses. Existing development on similar sites in the same zone and having similar characteristics shall be considered when determining reasonable development of permitted uses.

removal authority.

2. The condition of the Tree(s), with respect to general health; disease; maturity; structural integrity; proximity to existing structures; parking; high pedestrian traffic areas; activity areas or interference with utility services, cannot be controlled or remedied through reasonable preservation procedures and practices.

3. Good forestry practice suggests a reduction in the number of Trees due to incapacity of the property to sustain the present number in healthy condition.

C. If the application is approved, such conditions shall be imposed as are deemed necessary to fulfill the standards of this chapter. All Trees to be Removed shall be Mitigated in accordance with Section 37.08.

This section seems to allow too much interpretation and continuation of bad practice. The phrase, "prevents reasonable development," has been used in the past to get rid of most trees on a site; e.g. Breton Woods. Something like, "Every effort should be made to plan development or re-development to retain existing tree canopy designated by Urban Forest Manager as exceptionally valuable." Also, the statement "Existing development on similar sites in the same zone and having similar characteristics shall be considered when determining reasonable development of permitted uses." This means that bad practices in previous

This section seems to allow the removal of healthy trees, but tree removal applications go through the Tree Commission and our opening statement states that we are not permitted to allow the removal of healthy trees.

In this situation, landmark status should be given priority and that should be noted here

D. Appeal of Request. Within ten calendar Days of the date of the letter of notification from the Tree Commission, the applicant or other interested party may file a written appeal to the City Council pursuant to Chapter 40 of this Code. (Ord. 2099 § 1, 2002; Ord. 2269 § 2, 2006; Ord. 2271 § 1, 2006)

37.05.060 PUBLIC UTILITIES PERMIT.

The Urban Forest Manager may issue a Tree Modification Permit to any public utility for the Pruning or other maintenance tasks of Protected Trees, in accordance with this section and the city public utility easement agreement (Ordinance 242, adopted on March 25, 1959) to be valid for a period of one year from the date of issuance. A public utility may request that a City Tree be Removed, pursuant to Section 37.05.050. (Ord. 2099 § 1, 2002)

Operations conducted under a Public Utilities Permit shall comply with the following requirements:

- A. Notify the Urban Forest Manager in writing at least 2 working Days prior to starting work on Protected Trees.
- B. All Tree Pruning shall be conducted with current ANSI and ISA Pruning standards.
- C. Submit a summary report to the Urban Forest Manager by January 31 of each year documenting all work done under the Utility Permit during the previous calendar year.

Failure to comply with these requirements may result in fines or project stop work orders, as described in Article 37.09.

ARTICLE 37.06 - PARKING LOT TREES

37.06.010 APPLICABILITY.
Regulations contained within this article relate to all improved off-street parking lots within the City of Davis.

add final section: violation language: VIOLATION OR FAILURE TO COMPLY. Violation of this article may result in fines or project stop work orders, as described in Article 37.09.

Add language stating the benefit of parking lot trees. "parking lot trees help provide shade and reduce the heat island effect of the lot while also providing habitat. They also help with carbon sequestration and help in preventing climate change. preventing cars and asphalt from heating also reduces emission of volatile organic compounds and extends the life of the asphalt."

This part of the ordinance needs a section on enforcement if action is taken without a permit.

These needs requirements for monitoring and penalties for not achieving the goal

Is there any language in the existing ordinance regarding actions City has to take when developing or repairing City-owned or operated properties

<p>37.06.020 PARKING LOT TREE SELECTION AND PLANTING.</p> <p>A. Per Section 40.25.100 of the Davis Municipal Code and the Parking Lot Shading Guidelines, fifty percent of the paved parking lot surface shall be shaded with Tree Canopies within fifteen years of the Building Permit acquisition. (Ord. 2099 § 1, 2002)</p>	<p>recommend retaining 50% coverage of after 15 years</p>	<p>Something needs to be added about filling in empty parking lot planters</p>	
<p>B. Tree selection shall be in accordance with the provisions of the Parking Lot Shading Guidelines and the City Master Street Tree List; only Trees identified as parking lot shade Trees may be planted unless otherwise approved by the Urban Forest Manager. The Tree species shall be varied throughout the parking lot.</p>		<p>Need discussion of incentives to meet the 50 percent shade requirement</p> <p>Is there an enforcement protocol for tree condition/function after the initial planting period, i.e. longer term</p>	
<p>C. Parking lot planter design, materials, planting and Irrigation details shall be as per the City Tree Planting and Maintenance Specifications and the Parking Lot Shading Guidelines. (Ord. 2099 § 1, 2002)</p>		<p>Does this apply to City-owned parking lots</p>	
<p>D. Parking lot planter areas shall provide a minimum rooting volume for mature Tree growth as described in the Parking Lot Shade Guidelines.</p>	<p>add require use of suspended paving systems to guidelines</p>	<p>Can credit be given for trees planted to face west and south</p>	
<p>37.06.030 PARKING LOT SHADING AND MAINTENANCE PLAN.</p>		<p>Does urban forester have the authority to make the selection of tree type and planting location</p>	
<p>Use of drought tolerant species should be acknowledged in text</p> <p>A statement is needed that speaks to the need for irrigation needs during the life of the tree. Should include plans for watering during multi-year drought periods which are not uncommon</p> <p>Encourage use of alternative planting soils regardless of cost, e.g. engineered soils if applicable)</p> <p>Given the science-based data on the importance of shade in parking lots, long-term monitoring programs should be defined and should be the responsibility of the Developer if this is not practical</p>			

<p>A. A parking lot shading plan and related shade calculations shall be submitted to the Community Development and Sustainability Department along with the Building Permit or Discretionary Project permit application for all new and/or reconstructed parking lots. (Ord. 2099 § 1, 2002)</p>		<p>Should be approved by urban forester after consultation with TC and public input</p>	<p>Add section that requires a non-copyrighted version of the shading plan, maintenance plan, and landscape plan be submitted with the permit application. This allows for transparency and public verification of application requirements.</p> <p>Another example of inconsistency with "Establishment Period." 3 or 5 years? Prefer 5 years.</p>
<p>B. A five-year Maintenance Plan for the parking lot Trees shall be submitted to the Community Development and Sustainability Department along with the Building Permit or Discretionary Project permit application for all new and/or reconstructed parking lots. Maintenance Plan shall include:</p>	<p>add "a 15 year maintenance plan for parking lot will be submitted" add "tree inventory and plot plan will be required and made publicly available"</p>	<p>Maintenance plans with milestones at 5, 10, 15 and at long-term intervals is needed</p>	
<p>1. Tree height and Canopy height and width of Trees at planting, 15-years following planting, and maturity for each Tree species, with source of size information cited.</p>		<p>Need to define pruning practices that will result in the maximum achievable canopy cover</p>	
<p>2. Schedule of maintenance activities to be performed each year. 3. Description of each maintenance activity included in schedule. 4. Plan showing location, species, and root soil volume of all parking lot Trees and calculations showing compliance with Parking Lot Shade Guidelines.</p>		<p>Language is needed to express desire that maintenance also mean creating an environment where trees can thrive under post-development conditions</p>	
<p>37.06.040 REQUIRED REPLACEMENT. Property owner must replace any dead parking lot Tree within 6 months of death and implement maintenance activities approved under the Maintenance Plan for five years following replanting.</p>		<p>remove, " for five years following replanting, " thus making any dead tree requiring replacement at any time in the future</p>	<p>Required tree replacement in parking lots should extend past the draft Ordinance suggested of five years</p>
<p>37.06.050 VIOLATION OR FAILURE TO COMPLY. Failure to comply with the approved Maintenance Plan may result in fines as described in Article 37.09.</p>			
<p>ARTICLE 37.07 - PROTECTION OF TREES DURING NEW CONSTRUCTION</p>			

<p>37.07.010 APPLICABILITY.</p> <p>This section applies to any new construction occurring within 15 feet of the Critical Root Zone of a Protected Tree.</p>	<p>Should include maintenance as well as construction. Any alteration of earth</p>	
<p>37.07.020 RESPONSIBILITIES OF PRIVATE PROPERTY OWNERS, PART OF PLANS AND SPECIFICATIONS.</p>		
<p>A. The Approved Tree Modification and Removal Plan and Tree Preservation Plan shall be included in the project plans and specifications.</p>		
<p>B. Any changes to the project that result in increased impacts to Protected Trees shall be reported in writing to the Urban Forest Manager within 7 Days.</p>		
<p>C. It is the responsibility of the property owner or his or her designated representative to ensure that all trades/subcontractors and utility companies abide by the preservation conditions of this provision.</p>	<p>add notification requirement to tree protection standard.</p>	<p>I would like language to be Property owner shall be responsible, including legally and financially responsible for</p>
<p>D. Prior to any demolition, trenching, Grading, construction, Repair, alteration, Removal or moving of any building, house or structure, or other site work, all Trees to be preserved in compliance with this chapter shall be protected in accordance with the Tree Preservation and Protection Standards.</p>		
<p>E. Tree protection fencing shall be labeled as described in the Tree Preservation and Protection Standards and shall not be Removed without prior authorization of the Urban Forest Manager.</p>	<p>add section F for failure to comply or Violation referring to section below</p>	<p>What are these standards? I would like a large sign mandated on the public side of the fencing that includes a hotline number for someone to call. The sign needs to include what protective measures are required</p>
<p>37.07.030 VIOLATION OR FAILURE TO COMPLY.</p> <p>Violation of this article may result in fines or project stop work orders, as described in Article 37.09.</p>		<p>Stronger language is needed here "may result" is too weak.</p>
<p>Article 37.08 - TREE MITIGATION</p> <p>Removal of or Major Impact to any Protected Tree shall be Mitigated in accordance with the guidelines provided in this ordinance.</p>		

37.08.010 EXEMPTIONS.

The following conditions may exempt a significantly impacted or Removed Protected Tree from requiring Mitigation:

A. The condition of the Tree in regards to disease or likelihood of failure into a target area or utility services causes a threat to public health, safety, or welfare.

B. An Arborist deems a Tree to be in poor condition based on a science-based set of rating guidelines and this evaluation is confirmed by the Urban Forest Manager.

37.08.020 MITIGATION CALCULATION.

A. Protected Trees that are Removed or to which a project does Major Impacts or Moderate Impacts determined to require Mitigation shall require Mitigation on an inch-for-inch basis, based on DBH. One Trunk-Inch of Mitigation is required for every Trunk-Inch of DBH Removed. Mitigation Trunk-Inches are based on the size of the Tree to be installed as shown in the following table:

Replacement Tree Size	DBH Replacement Equivalent
#5 container	0.5 inches
#15 container	1 inch
24-inch box	2 inches
36-inch box	3 inches

B. The applicant may receive Mitigation credit for preservation of young Trees with a trunk diameter of less than 5 inches on the same property being developed at a rate of 0.5 inches for every inch of trunk preserved.

37.08.030 MITIGATION IMPLEMENTATION.

Mitigation may be completed through on-site planting, off-site planting, payment of in-lieu fees, or a combination of these techniques.

A. On-Site Planting: On-site planting is the preferred option. Replacement Trees must be species on the City Master Tree List or a species deemed fit by the Urban Forest Manager.

add definition of target area

change "science-based" to ISA best management practices or guidelines

edit for retention of south and west trees

add 10 year monitoring plan for trees retained as part of mitigation for approval

What does this language mean - "failure into a target area"

Specify meaning of "science-based" rating guidelines

What is the replacement equivalent for trees with a DBH greater than three inches

there needs to be follow up to make sure these young trees are preserved. 5 years out? 10 years out?

Should this come before the Tree Commission? Is the adequacy of Mitigation solely up to the Urban Forest Manager?

B. Off-Site Planting: If there is insufficient space on the property for the Replacement Tree(s), required planting may occur on the other property in the applicant's ownership, in City-owned open space or park, or in another off-site location within or nearby the City of Davis, subject to the approval of the Urban Forest Manager and authorized property owners.

the off site location should be required to be located within the City of Davis. Discuss if we even want this to be an option.

Should omit language that says off-site planting can be done on other property owned by the applicant. Significantly reduces the ability to capture full benefit of the existing tree in its current location. Should require tree planted on designated City property where trees are needed. A preference should be given to available spaces in the downtown area. Any off-site mitigation should be at least 4:1 including a fee for future maintenance

C. In-lieu Fees: If, in the Urban Forest Manager's determination, no feasible alternative exists to plant the required Mitigation, or there are other considerations for alternative Mitigation, the applicant shall pay into the Tree Preservation Fund at a rate of \$189 per Trunk-Inch Removed or subject to Major Impact.

In lieu fee needs to include 5 years of maintenance and ecological benefits and be added to the Cities master fee list (so updating can happen on a yearly basis)

In-lieu mitigation fees are much too low. How was the \$189/trunk-inch determined. Given all the benefits that trees provide, this seems like too low a value. Needs to account for maintenance, monitoring and loss of ecological services

In lieu Fees: make this self I would prefer language like this adjusting for inflation and make the amount more expensive than non-compliance.

The option of paying a fee in lieu of replacing a tree may only be exercised when unmitigated circumstances prohibit planting a tree in the location from which it was removed. Such a determination will be made by the City Arborist.

ARTICLE 37.09 - VIOLATION OF CHAPTER AS PUBLIC NUISANCE

37.09.010 PUBLIC NUISANCE—CERTAIN CONDITIONS DESIGNATED.

The following are declared public nuisances:
A. Any Tree or other plant or part thereof growing upon private property but overhanging the street and/or interfering with the use of any street, which in the opinion of the Director endangers the life, health, safety or property of the community.

B. The continued existence of any Tree or other plant on private property within the city that is dead, infected with disease or infested with pests which constitute a threat to or may be injurious to persons, property, Trees or other plants in the surrounding area.

C. Any Tree or other plant more than thirty-six inches in height measured from the curb gutter and planted in a triangular area measured twenty-five feet along the curb in either direction from the sidewalk curb intersection.

I don't understand this section

I am worried there are not specific enough consequences in here

Does this include corner plantings that cause visibility issues going around the corner?

D. Any plant that interferes with, impairs or destroys any street improvement (including traffic signs or lights), sidewalk, curb, gutter, sewer, Street Trees or any public improvement.

E. Vines, Ivy, or climbing plants growing on, into, or over any City Tree.

F. Any Tree that impedes sidewalks and bike paths, or by being lower than ten feet over pedestrian and bike paths, or any Tree which is lower than fourteen feet over a traffic lane.

G. Non-permeable paving added within the Critical Root Zone of a Tree covered under this chapter after the Tree was planted for the city.

H. Street Trees with invasive Root systems or surface Roots resulting in Damage to private paving. In this situation, City is responsible for Street Tree related work when private paving (excluding city rights-of-way but including, for example, private driveways and walkways) are disrupted, but the City is not responsible for private paving, Removal, or replacement work. Repairs to private paving shall be the responsibility of the property owner. The City offers property owners the opportunity to decide where a Street Tree(s) will be planted and cannot control the soil conditions, watering practices, and other cultural impacts that determine where Roots will grow. The Urban Forest Manager, or designee, shall work with the property owner to Remove or Modify the Root(s) that cause the paving Removal or replacement work to occur, so long as such Removal or other Modification complies with Section 37.0.010. (Ord. 2099 § 1, 2002)

37.09.020 RIGHT OF INSPECTION.

Define "street tree related work"

The Urban Forest Manager and/or his/her designee may inspect any Tree or other plant on private property in the City in accordance with law, to determine whether the same or any portion thereof is in such a condition as to constitute a public nuisance and, to consider abating or correcting any condition or thing declared to be a public nuisance under this chapter. When a public nuisance is declared relating to any City Tree, Street Tree, Protected Tree or Private Tree, the Urban Forest Manager (and/or the Tree Commission, as per the provisions of this chapter) shall determine the appropriate course of action, including, but not limited to, Tree or Root Pruning, site Modification, or Tree Removal. (Ord. 2099 § 1, 2002)

37.09.030 PUBLIC NUISANCE—ABATEMENT NOTICE—LIABILITY OF CITY, ETC.

Any condition constituting a public nuisance as defined in Section 37.09.010 may be abated pursuant to the procedures provided by Chapter 23 of this Code, or its successor ordinance. This remedy is cumulative of any other remedy provided by law for the abatement of public nuisances. (Ord. 2099 § 1, 2002)

37.09.040 VIOLATION—ENFORCEMENT.

A. Any person who violates any of the provisions of this chapter or any of the conditions of any permit issued hereunder is guilty of a misdemeanor.

Include what type of trees this include (commercial, industrial etc)

Should the tree commission have any right of enforcement here? Or serve as a appeal board for fines? When was the last time someone was charged with a misdemeanor for violating this ordinance?

<p>B. In addition to criminal penalties and civil nuisance enforcement authorized by this code, any person who violates any provision of this chapter may be liable for a civil penalty for each Day or part thereof that said violation occurs pursuant to the process provided by Chapter 23 of this Code. Further, if such violation results in unauthorized Removal, destruction or disfigurement of Trees, the responsible person may be liable for a civil penalty equal to the Appraised Value of the Removed, destroyed or disfigured Tree. The city attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties and associated costs of the city. Penalties can be met through n-lieu payments into the Tree Preservation Fund, as approved by the Director.</p>	<p>"director" will need to be reconsidered if/when there is a reorganization of City moving Urban Forestry</p>		<p>end of last sentence, "... approved by the Director." The Director of what? The Urban Forestry Department?</p>
<p>C. Progressive administrative enforcement may take place for violations of this chapter at the discretion of the Urban Forest Manager. Administrative enforcement may include:</p> <ol style="list-style-type: none"> 1. Written warning and description of the violation. 2. Fines Incurred by the property owner or Developer as well as the company performing the work. 3. Issuance of Stop Work Order and project shut down. The notice shall state the nature of the violation or danger, and no work shall be allowed until the violation or danger has been rectified and approved by the Director and the Urban Forest Manager. (Ord. 2099 § 1, 2002; Ord. 2390 § 2, 2012) 			
<p>D. Examples of qualifying violations and applicable penalties include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Unauthorized Removal or relocation of Tree protection fencing. \$500 per Day fine until fencing is Repaired. 2. Storage of parts, tools, or equipment within Tree protection fencing. \$500 per Day fine and restoration of impacted soil as deemed necessary by Urban Forest Manager. 3. Chemical leakages within the dripline of protected Trees. Minimum \$500 fine and restoration of impacted soil as deemed necessary by Urban Forest Manager. If Damage to Trees is significant as determined by the Urban Forest Manager, Mitigation for Impacted Trees will be required in accordance with Section 37.08. 	<p>add per protection area</p> <p>change first sentence to include 'materials,' i.e. "Storage of parts, tools, materials, or equipment..."</p> <p>remove, "as deemed necessary by Urban Forest Manager"</p>	<p>All soil within dripline effected by chemical leakage/splis should be restored without the Urban Forester having to consent</p>	<p>this needs a fine</p> <p>This should note that it is per tree</p> <p>change first sentence to include 'materials,' i.e. "Storage of parts, tools, materials, or equipment..."</p>

- 4. Damage to Protected Trees caused by heavy equipment. Minimum \$500 fine and restoration of impacted soil as deemed necessary by Urban Forest Manager. If Damage to Trees is significant as determined by the Urban Forest Manager, Mitigation for Impacted Trees will be required in accordance with Section 37.08.
- 5. Unpermitted Pruning. Corrective Pruning or complete Removal and replacement in accordance with Section 37.08, depending on extent of Pruning, as deemed necessary by Urban Forest Manager.
- 6. Unpermitted Removals. Trees must be replaced and Mitigated for in accordance with Section 37.08.
- 7. Unpermitted Topping of Protected Trees. Trees must be completely Removed and replaced in accordance with Section 37.08.
- E. If Mitigation fees or plantings are required for Topped, Removed, or Damaged Trees, the dollar amount will be calculated using the Mitigation formula found in Article 37.08.
- F. All penalties incurred by responsible parties performing the work in violation shall be reported to the ISA or Licensing agency, as applicable.

add paying appraised value of tree and environmental services in addition to replacement - discuss

add paying appraised value of tree and environmental services in addition to replacement - discuss

An unpermitted removal is an exceptional action for a party to take. Penalties should be greater than that presented in Section 37.08

Is 'Mitigation Formula' simply the \$189/inch-trunk? This seems inadequate. It should also have a built-in increase for inflation or better.

Item: 7
Meeting Date: March 18, 2021

Planning Commission recommendation

**The Tree Commission will review the following recommendation to the
Planning Commission**

Recommendation on Ramos Solar Project

From: Tree Commission

To: Planning Commission

Subject: Tree Modification Permit Appeal for 202 & 260 Cousteau Place

Dear Planning Commissioners,

At the February 18th Meeting of the Tree Commission, we discussed the request to waive Tree Mitigation fees by the applicant of a Solar Project at 202 and 260 Cousteau Place. The Tree Commission voted unanimously not to grant the appeal to waive mitigation fees. These fees are in place for just this purpose and we found no compelling reason to alter City policy.

Further, the Tree Commission would like to recommend not to remove the Trees at the above-mentioned properties to replace them with solar panels. We take this view for several reasons.

First, this is one of the very few successful parking lot shade projects at any development in the City of Davis. Examples of failed projects are many, including the Target parking lot and the Cannery development. The trees in the parking lot of this proposal are thriving and in good health, are large-canopy trees, and provide benefits well beyond simple shade, including carbon sequestration, improved air quality, improved storm water quality, aesthetic beauty, wildlife habitat, etc.

Additionally, the part of the solar project proposed for the parking lot is, according to the applicant, the more expensive part of this proposal. The applicant states that they are maximizing the solar on the roofs of the buildings in question (though this was not apparent in the application presented to the Tree Commission), in addition to adding solar to the parking lot. Given that this is a solar project that will generate electricity for the applicant, the project will generate either income, or electrical utility savings, or both. Thus, any reduction in production from the project as a whole, simply changes the date at which expenses will be recouped, it will not change the fact that those expenses will be recouped.

Also, with a fairly minimally creative design, solar panels could be installed in the parking lot over the areas between the rows of trees with a structure that is anchored between trees themselves, thus supporting panels over the driveways between parking bays. Given the orientations of the tree-lines and driveways, this would expose the panels to almost full sun for the bulk of the daylight hours.

The Tree Commission therefore recommends that the removal of the trees requested by the applicant not be allowed and that we retain this great example of a successful parking lot tree plan.

Thank you for your consideration and for your service to our community,