

Parks and Community Services Department

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Tree Commission Minutes

May 7, 2020

5:30 p.m.

Commissioners Present: Zarah Wyly-Vice-Chair, David Robinson, Larry Guenther-Chair, Stacy Parker, Tracy DeWit, Lauren Hwang-Finkelman, Colin Walsh-Alternate

Commissioners Absent: Julia Pollex

Council Liaison Present: Gloria Partida

Assigned Staff: 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.

Call to Order and Roll Call

Approval of Agenda:

Motion to approve the agenda was made by Wyly, seconded by DeWit.

Approved: 7-0

Public Comments:

No public comments were given

Regular Items:

A. Informational Item- Municipal Code Chapter 37 Tree Ordinance update

Staff gave the Commission an update on the ordinance update project which is being completed by an outside consultant. Staff informed the Commission about the Request for Proposal (RFP) that was issued to the City's on-call Landscape Architects in March of 2020. The City sent the RFP to nine firms and received two proposals back on the due date of March 13, 2020. Staff is reviewing the proposals and will be awarding the project at the May 19, 2020 City Council meeting.

The RFP is to review the current Tree Commission approved draft, update the sections as needed and to develop the unfinished sections in the ordinance that need updating. The consultant will conduct public outreach meetings, periodically update the Tree Commission on project progress and will present the final draft to the Tree Commission for approval and to City Council for adoption.

Public comments

No public comments were given

Commission comments

Wyly- commented that this is great news to move the update forward to completion. Asked about legal review of the final draft.

Staff confirmed that it will go through a legal review prior to adoption.

Walsh- asked about the expenditure of funds at this time with the fiscal challenges being faced from the Covid -19 disease circumstances.

Staff informed the Commission that the funds are being taken from the Tree Preservation Fund and not from the regular Urban Forest operating budget.

Robinson-commented he is thrilled to see this moving forward.

Guenther- asked about the number of firms that received the RFP. Also asked about the adoption process and if the update would come back to the Commission.
Staff informed the Commission that nine firms were sent RFPs and that the updated ordinance would come back to the Tree Commission for approval prior to being moved forward to the City Council.

B. Tree Commitments Recommendations for the Aggie Research Campus (ARC) Project
Commissioner Walsh gave an overview presentation of the ARC Tree Commitment recommendations developed by the subcommittee formed at the April 16, 2020.

Walsh reported that the subcommittee met twice since the April 16th meeting and produced the Tree Commitment recommendations for the ARC project. The subcommittee consulted a number of local experts to help formulate the recommendations.

The recommendations were broken out into two main areas, one being for the baseline features and another for the development agreement for the ARC project. The subcommittee felt this would allow for more flexibility in enacting the recommendations.

The subcommittee wanted the Measure R baseline features to state the “1,000 trees to be planted” number and wanted a reasonable number of trees to be planted for the shade percentages of canopy put forth in the Tree Commitments.

Walsh reviewed each of the recommendations to give an overview of the subcommittee’s work and how each recommendation was developed.

Guenther thanked the subcommittee for their work and the time put in to developing the recommendations.

Questions

Parker- should there be a definition for “tree” be included for clarification when determining tree planting numbers.

Public Comment

Eileen Samitz-commended the subcommittee and likes the recommendations developed, but thinks the number of trees of 1,000 per the developer is low and the subcommittee’s recommendation of 4,000 is more sensible. The baseline project features need to be adhered to. She also has a concern with leaving the implementation of tree maintenance in the development agreement. She thinks it is easier to enforce baseline features than conditions in the development agreement. Tree planting implementation and maintenance will be better served being outlined in the baseline features.

Roberta Millstein-thanked the subcommittee and stated she is the Chair of the Open Space and Habitat Commission. In ten years as a commissioner, she has never heard of changes being made by staff to recommendations. She believes the recommendations should be in the baseline features and should be implemented by the developer. This is very important. Increasing the number of trees is great as the project was short on trees. Permeable paving is a great inclusion. Habitat for the Burrowing Owls is important and great to call out in the recommendations and believes a balance can be worked out with tree planting and habitat.

Alan Hirsch- Present project documents to the public. Specifics need to be worked out and it may be premature for recommendations. Details need to be solid as the tree plantings will not be city trees. Tree plantings need annual review with substantial penalties for non-compliance. Monitoring is needed for best efforts with tree planting and maintenance.

Pam Grunnell-Thanked the Commission for the special meeting to cover the Tree Commitments. It is paramount for phasing to plant as many trees as possible in Phase I. Because project is an open area now, early tree establishment is needed for new residents. The tree species choice will be important as well.

Discussion

Dewit asked about changes made to the document prior to presentation to the Commission. She had three places that were changed from the subcommittee's submitting recommendations to staff. Changes to Best Practices C. 1, C. 2, and to Section II B. 3 had been made.

Staff informed the Commission that they had removed a reference in II. B. 3 to hiring a licensed Electrician as it not relevant and therefore removed; and they added the word recommended to both sections of BMP C for emphasis

The Commission discussed these areas and agreed to leave out the Electrician and to make minimal clarifying edits to the BMP C 1 and 2 sections.

The Commission discussed all the sections and made edits to clarify the recommendations and to add language to strengthen the recommendations for enforcement and implementation. The final recommendations are attached to the minutes.

Commissioner Comments

Wyly- Canopy shade versus a total for tree planting can be a long discussion and there are other ways of measuring performance standards for trees. I am good with the 4,000 number for tree plantings.

15% canopy shading for the manufactured areas may be a little high but is good for the project.

DeWit-great effort on part of the subcommittee and Commission, good recommendations.

Parker- thanked the subcommittee. 4,000 tree planting number is good, yet on a whole project wide too many trees being planted can be problematic as well. Still 4,000 trees seems reasonable.

Walsh-Good work and subcommittee used the word goals for the shade canopy recommendations to give more flexibility to the project.

Guenther-Thanked the subcommittee. Liked the shade canopy percentages and how the owl habitat was mentioned and to have a balance with the trees in the Ag buffer

Wyly made a motion to approve the recommendations and edits made to the document by the Commission.

Motion made by:	Wyly
Seconded by:	Walsh
Motion:	Approve the Tree Commitment recommendations for ARC and incorporate the edits made by the Commission at the meeting.
Motion passed:	6-0; Wyly, Walsh, Parker, Hwang-Finkelman, DeWit, Guenther Aye

Adjournment: Meeting adjourned at 8:30 p.m.; moved by Wyly and seconded by Parker.

Next Meeting: May 21, 2020

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Tree Commission Recommendations for Aggie Research Center (ARC) Business Park

Overview

- I. Measure R Baseline Project Features
- II. Other Tree Commitments for Inclusion in Development Agreement
- III. Burrowing Owls Statement

I. Measure R Baseline Project Features

- A. **Tree Quantity** - The Aggie Research Center (ARC) Business Park development will have a minimum of 4,000 trees provided by the developer with the following goals
 1. Bike paths: 80% canopy coverage after 15 years
 2. Parking lots: 50% canopy coverage after 15 years or solar arrays at the time of lot construction
 3. Manufacturing area: 15% minimum canopy coverage after 15 years
 4. Housing, mixed-use, office R&D and commercial areas, including hotels: 30% canopy coverage after 15 years
 5. Parks: 30% minimum canopy coverage after 15 years
 6. Bike paths to the west of the project, if built as part of ARC proposal, will have 80% canopy coverage after 15 years and will be in addition to the 4,000 tree requirement for the development.

- B. **Best Practices** - The project will have a Tree Management Plan. The Tree Management Plan will allow for each tree to have an assigned number to easily locate and identify specified trees.
 1. There should be habitat and species diversity in the AG buffer. Species should be a mix of valley oak woodland, grassland/burrowing owl habitat, and seasonal wetlands swales.
 2. Tree plantings should have drought tolerant trees and native oaks including valley oaks. There will be a minimum of 100 Valley Oaks.
 3. There will be native riparian species in the open space area along the east/west ditch through the middle of the proposed project. Species should include valley oak, cottonwood, native willows, and California sycamore.

4. There will be hedgerows planted with native species including Toyon, Ceanothus, Manzanita, Fremontondendron, Redbud, and Coffeeberry, especially on the edge of the 50-foot portion of the AG buffer.

C. Tree Planting Specifications and Irrigation

1. Structural soil and/or suspended substrate pavement in parking lots is recommended.
2. A preference for permeable paving is recommended.
3. When planting in parking areas or along paved walkways, developer will size pavement treatment area to adequately accommodate the tree varietal's intended size.

D. Phasing of Tree Planting

1. Inner 50 feet of Ag buffer (public access and bike path area) to have all tree planting in early part of Phase 1, including those trees that will provide 80% shade for bike path
2. Riparian area on drainage channel to be completed in Phase 1
3. Trees for the large park on central west side of development to be in Phase 1 with park completion
4. Outer 100 feet of ag buffer to be planted in Phase 2

E. Follow-up Tree Care Guarantees for Success

1. Developer or successor to pay the City for arborist services to monitor all trees in the project. (indefinitely)
2. Financial penalties to be specified in development agreement and determined at the start of each phase.
3. The tree maintenance in the Ag buffer shall be funded by a special assessment district as is described under 40A.01.050e "The city reserves its right to form a special benefit assessment district, or other applicable district as is permitted under state law, and to maintain the agricultural buffer and transition area once the land is improved, dedicated, and annexed." The district will include the entirety of the ARC business park.

F. Inspection Protocol

1. Robust annual inspection and documentation protocol to ensure the City of Davis Tree Ordinance is followed. This inspection includes tree canopy, irrigation needs, and any need to adjust, fix, prune, and/or replant any trees.
2. Every stage of the development will be reviewed by the Tree Commission.

II. Other Tree Commitments for Inclusion in Development Agreement

- A. Consequences - Immediate financial consequences, \$100(+) per tree (adjusted by inflation annually), that inflate rapidly month to month or year to year when there is no sustained maintenance of the trees resulting from not following the existing ordinance. The fine(s) will double and redouble each month or year.

- B. Reimbursement Protocol to City from Developer
 - 1. Developer will reimburse the city for the full cost of both initial plantings and the annual follow-up care.
 - 2. City shall inspect the plantings prior to accepting the project.
 - 3. The Full Cost of Care includes the City Arborist's time to undertake the review of the trees and/or the cost to supervise an outside Arborist hired by the City (possibly subcontracted by Tree Davis) to undertake the review of the trees.
 - 4. Cost of any new trees and their proper follow-up for the next phase of tree life.

- C. Extra Costs - Incurred when the Developer/Contractor/Etc. allow for improper plantings that have not been signed-off as having any of the following:
 - 1. The proper tree planted
 - 2. The proper sod and groundcover installed
 - 3. The proper standards for width and depth of dirt hole size for specified tree
 - 4. The proper follow-up tags assigned for next Phase of Tree Life

- D. Phase of Tree Life
 - 1. Each tree is assigned a unique identifier number that provides the following tree information:
 - a. Name
 - b. Unique specifications determined by planting-to-spec details (Parking lot vs. suspended pavement vs. structural soil)
 - c. Location within the development
 - d. Phases
 - e. Progression
 - f. Replacement, if needed
 - g. Photo documentation

2. Allowed under approval by City Arborist and/or City hired Arborist
Photos must include:
 1. Tree Unique Identifier Number - shown large enough to read.
 2. Hole depth and width shown along with a measuring stick - from two angles with root ball in place but not covered showing proper hole width and depth
 3. Root ball Cleared - shown from different angles that circling roots are cleared
 4. Root crown showing after dirt is filled in hole
 5. New Stakes
 6. Root ball right depth
 7. Nursery stakes removed
 8. Tree Canopy

III. Burrowing Owls Statement - The City of Davis Tree Commission is sympathetic to burrowing owls but find it to be the Open Space and Habitat Commission and Natural Resource Commission purview to oversee burrowing owl protection and our tree recommendations and requirements should be understood and implemented to fit with those other commission recommendations for burrowing owl protections.