

**Parks and Community Services Department**

23 Russell Boulevard – Davis, California 95616  
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**Tree Commission Minutes  
August 20, 2020  
5:30 p.m.**

Commissioners Present: Larry Guenther-Chair, David Robinson, Tracey DeWit, Lauren Hwang-Finkelman, Colin Walsh, Alternate-Vacant

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.

**Approval of Agenda:**

Motion to approve the agenda was made by Robinson, seconded by Hwang-Finkelman.

Approved: 5-0

**Approval of Minutes:**

Motion to approve the minutes for May 21, 2020 was made by Robinson, seconded by Walsh.

Approved: 5-0

**Commissioner and Staff Comments:**

Staff informed the Commission that the Urban Forest Division is preparing for the upcoming planting season.

Staff informed the Commission that an updated draft of the tree ordinance was received and is undergoing internal review for comments and changes before being presented to the Tree Commission and released for public comment.

Dale Sumersille informed the Commission that Cal-Fire is coming to Davis for a review of the Proposition 68 Grant tree plantings.

**Public Comments:**

No public comments were given at the meeting.

**Regular Items:**

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

**Location**  
**1. 585 N Street**

**Tree Species**  
**Chinese Elm**

Moved by: Robinson  
Seconded by: Hwang-Finkelman  
Motion: Retain the tree as it is a good specimen and in good health. Follow the staff recommendations for pruning the tree.

Motion Passed: 5-0

**2. 1919 Wahl Way**

**Modesto Ash**

Moved by: DeWit

Seconded by: Robinson

Motion: Approve the removal of the remaining portion of the tree by the property owner and at their expense. Property owner is to plant a replacement tree with a species of equal size of the removed tree. Property owner shall pay a penalty fee for removing the tree without obtaining Tree Commission approval or a Tree Modification Permit prior to removal. Penalty shall be calculated by using the City Council tree mitigation policy less the removal and replacement costs.

Motion Passed: 5-0

**3. 3242 Conquistador Way**

**Aristocrat Pear**

Moved by: Robinson

Seconded by: Walsh

Motion: Due to the Fire Blight infections and poor structure, follow the staff recommendation to remove the tree and plant a replacement tree.

Motion Passed: 5-0

**4. 2301 Shire Lane**

**Chinese Tallow**

Moved by: Walsh

Seconded by: Robinson

Motion: Follow staff recommendation to remove and replace the tree. The replacement tree species choice shall be made in conjunction with the Village Homes HOA and chosen from the neighborhood's approved tree species list.

Motion Passed: 5-0

**5. 1216 Halifax Avenue**

**Chinese Tallow**

Moved by: Robinson

Seconded by: Hwang-Finkelman

Motion: Due to the tree being in good health and condition, follow the staff recommendation to retain the tree and prune for end weight reduction.

Motion Passed: 5-0

**6. 725 Peach Place**

**Moraine Ash**

Moved by: Hwang-Finkelman  
Seconded by: De Wit  
Motion: Due to the severely declining tree health, follow the staff recommendation to remove the tree and plant a replacement tree.

Motion Passed: 5-0

**7. 118 Faro Avenue**

**Moraine Ash**

Moved by: Robinson  
Seconded by: Hwang-Finkelman  
Motion: Due to the extensive mistletoe infestation, follow the staff recommendation to remove the tree and plant a replacement tree.

Motion Passed: 5-0

**8. 2327 Rodin Place**

**London Plane Tree**

Moved by: Robinson  
Seconded by: De Wit  
Motion: Due to the large amounts of surface rooting and root pruning being ineffective for controlling hardscape lifting, follow the staff recommendations to remove the tree and plant a replacement.

Motion Passed: 5-0

**9. 3726 Alegre Way**

**Aristocrat Pear**

Moved by: Hwang-Finkelman  
Seconded by: DeWit  
Motion: Due to the tree's poor structure and Fire Blight infections, follow the staff recommendations to remove the tree and plant a replacement.

Motion Passed: 5-0

**B. Informational Street Tree Removals**

The following trees were removed due to being in an imminently hazardous condition:

<u>Location</u>	<u>Tree Species</u>	<u>Reason</u>
840 W. 8 <sup>th</sup> Street	Fruitless Mulberry	Decaying trunk
540 W. 8 <sup>th</sup> Street	Japanese Pagoda	Dead tree
414 Balboa Avenue	Chinese Pistache	Split tree
545 Oeste Drive	Japanese Pagoda	Dead tree
309 9 <sup>th</sup> Street	Chinese Hackberry	Dead tree

315 9 <sup>th</sup> Street	Chinese Hackberry	Dead tree
639 Buchanan Street	Flowering Almond	Dead tree
745 F Street	Aristocrat Pear	Dead tree
1640 F Street	Aristocrat Pear (2)	Dead trees
1837 Tahoe Place	Chitalpa	Decaying trunk
F Street west side	Aristocrat Pear (4)	Dead trees
North of Covell Boulevard		

### **C. Bretton Woods Subdivision**

The Commission received a presentation from the development team about the Bretton Woods subdivision. The subdivision will be an active adult community on the west side of Davis. The Commission reviewed the design guidelines, landscaping tree planting palette, Oak tree planting in the western drainage channel, and tree removals for a new emergency vehicle road on the eastern side of the project.

Staff briefed the Commission on the input being sought for the project in regards to the tree planting and removals for the project.

Mike Engle, Landscape Architect for the Project, gave an overview of the tree planting palette for the project and the changes made with consultation with staff.

The Commission asked clarifying questions regarding the project including:

1. The amount of diameter inches that have been removed for the project and the mitigation for the tree removal.
2. The Oak tree planting for the drainage area and number of trees being planted in this area.
3. The proposed orchard along the western greenbelt area and if it goes along the pathway.
4. Are there Burrowing Owls on the project site?
5. Is the Acorns to Oak Foundation being developed for the management of the Oak trees?
6. Tree removals prior to obtaining a Tree Modification Permit and the possible penalties that can be assessed for not obtaining a permit.
7. Will the replacement trees be planted on-site?
8. The number of replacement trees being planted.
9. Are the Oak trees being planted considered to be part of the mitigation trees for the project?
10. Who will be responsible for maintaining the project trees?

Public Comment

Russ Kantz made the following public comments.

A lot of lack of transparency here with project. The project has been expanded by 30 acres outside the city limits and is illegal.

Burrowing Owls were found on the project site.

Nesting trees were cut down in June and investigation of the tree removal needs to be done. It is the opinion of the Yolo County attorney that the city had control of the project at the time of the tree removals.

Project has expanded significantly.

Alan Hirsch made the following public comments:

Why area some of the trees public and some are not?

Few native trees being planted for the project, but should not be wholly used for the project.

The inspector for the project tree planting should not be developer approved and the city should hire an independent Arborist for the tree planting reporting.

Tree plantings can be done improperly and should have photos taken for inspection purposes.

Do not follow the Davis Innovative and Sustainability Campus tree recommendations.

The Commission went through the following recommendations:

1. The Tree Commission provides the Planning Commission comments for the following:
  - A. Review, provide advisory input, and make recommendations on components of the Bretton Woods project within the purview of the Commission to be forwarded to the Planning Commission for consideration during the public hearing process, specifically on the proposed project's Design Guidelines that pertain to trees and the project's tree attributes.
  - B. Review, provide advisory input, and make recommendations on the proposed mitigation measures to address all the removed trees by planting on-site replacement trees equal to the amount of diameter tree inches being removed or removed.
  - C. Approve the removal of trees along the new emergency vehicle access road and in the newly designed detention pond area to the north of the project near the current City of Davis water tank storage facility; and recommend mitigation in accordance with the Municipal Code Chapter 37 requirements to provide inch for inch replacement on-site or pay in-lieu fees for planting elsewhere in the area of the City.

D. Review and provide comments and support for the following recommended conditions of approval for the project:

1. Developer shall utilize best management practices for tree planting and root establishment. Specifically, Developer shall use structural soils or suspended pavements in the commercial and multi-family areas of the project to allow successful tree root development to the satisfaction of the City's Urban Forest Manager.
2. Prior to construction of landscape areas, Developer will submit formal landscape plans for City review and approval.
3. Landscaping shall provide 80% shading of pedestrian walkways and off-street Class I bike paths that are not otherwise shaded by photovoltaics or other renewable energy generation.
4. When planting in parking areas or along paved walkways, Developer will size pavement treatment area to adequately accommodate the tree varietal's intended size.
5. Planting practice and ongoing tree health shall be subject to 3rd party verification by the City's Urban Forest Manager or a mutually agreed upon arborist. The maintenance and growth of all onsite trees will be biennially monitored by a third-party arborist who will provide recommendations to improve tree health such as pruning, mulch and irrigation practices. Inspection, maintenance and replacement costs shall be borne by the Developer. Compliance with arborist recommendations is mandatory and failure to comply shall be considered a violation of project entitlements and subject to penalty. If, five years from the original date of planting, a tree is not growing at its anticipated rate or is otherwise showing signs of failure, that tree will be identified by the Urban Forest Manger or arborist who, at his or her discretion, may require tree replacement at the Homeowners Association's expense.
6. Pruning of trees and tree removal will be authorized in accordance with the then current Tree Planting, Preservation, and Protection Ordinance.

2. Staff also recommends the Tree Commission recommend that the Planning Commission approve a condition of approval that requires at a minimum:

A. Rejection of planting the following tree species and direct applicant to propose a substitute species better suited for the high clay, poor soil site conditions, small planting strip areas along the interior streets, and undesirable street and park tree species:

- All *Acer species*, Maple except the *Acer buergerianum*, Trident Maple
- *Chilopsis linearis ssp* Arcuata, Desert Willow
- *Cornus florida* 'Cherokee Princess', Cherokee Princess
- *Ginkgo biloba* 'Fairmaont', Fairmont Ginkgo
- *Koelreuteria paniculata*, Golden Raintree
- *Magnolis x soulangeana*, Saucer Magnolia
- *Pinus brutia* 'Elderica', Afghan Pine

The Commission made the following motions and approved the following tree recommendations for the Bretton Woods project:

Tree Commission Motions:

1. Regarding the Recommendation 1D the Commission made the following decision:

Motion made by: Walsh

Seconded by: Guenther with the following friendly amendment-Add ANSI A300 and ISA BMPs to this recommendation.

Motion: Move staff recommendation for item D 1-6 with the addition of the language of the friendly amendment including of the ANSI A300 standards and best management practices, add the current tree ordinance to Item 5, and add the landscape plan copyright to be surrendered to the city with project approval.

Motion passed: 5-0

2. Regarding the Tree Recommendations for the project the Commission made the following decision:

Motion made by: Walsh

Seconded by: Guenther

Motion: Approve the Tree Recommendations for the Bretton Woods subdivision as discussed and developed by the Tree Commission:

Motion passed: 5-0

The Tree Recommendation for the Bretton Woods project are as follows:

Recommendations:

1. The Tree Commission provides the Planning Commission recommendations for the following:

- A. Bretton Woods project should incorporate native and climate-ready trees in the plant palette where the trees will thrive in the growing conditions within the project.
- B. Approve the mitigation measures for the project as outlined for project. In addition, condition project with penalties for tree removal prior to obtaining a Tree Modification Permit from the City of Davis. Based on the June 19, 2019 letter from the City of Davis to applicant, this recommendation seeks to impose penalties for tree removal without obtaining the required Tree Modification Permit prior to tree removal. Removal penalties will be calculated by using the City Council Tree Mitigation Policy less the removal and replacement costs. Policy attached to report.
- C. Approve the removal of trees along the new emergency vehicle access road and in the newly designed detention pond area to the north of the project near the current City of Davis water tank storage facility; and recommend mitigation in accordance with the Municipal Code Chapter 37 requirements to provide inch for inch replacement planting on-site.



- D. Condition the following recommendations in the project's conditions of approval for the project:
1. Developer shall utilize best management practices for tree planting and root establishment. Specifically, Developer shall use structural soils or suspended pavements in the commercial and multi-family areas of the project to allow successful tree root development, to the satisfaction of the City's Urban Forest Manager.
  2. Prior to construction of landscape areas, Developer will submit formal landscape plans for City review and approval. Developer to surrender planting plan copy wright to the City of Davis.
  3. Landscaping shall provide 80% shading of pedestrian walkways and off-street Class I bike paths that are not otherwise shaded by photovoltaics or other renewable energy generation, and parking lots be shaded by 50% shade of trees and photovoltaics.
  4. When planting in parking areas or along paved walkways, Developer will size pavement treatment area to adequately accommodate the tree varietal's intended mature size.
  5. Planting practice and ongoing tree health shall be subject to 3rd party verification by the City's Urban Forest Manager or City approved Certified Arborist. A third-party arborist shall monitor the maintenance and growth of all on-site trees in years 1, 2, 5, 7, and 10 after project completion. The Certified Arborists will provide recommendations to improve tree health such as pruning, mulch and irrigation practices. Inspection, maintenance and replacement costs shall be borne by the Developer. Compliance with arborist recommendations is mandatory and failure to comply shall be considered a violation of project entitlements and subject to penalty. If, five years from the original date of planting, a tree is not growing at its anticipated rate or is otherwise showing signs of failure, that tree will be identified by the Urban Forest Manger or arborist who, at his or her discretion, may require tree replacement at the Home Owners Association's expense.
  6. Tree pruning and removal shall be authorized in accordance with the current Tree Planting, Preservation, and Protection Ordinance at the time the work is being performed.
  7. Reject the planting of the following tree species and direct applicant to propose a substitute species better suited for the high clay, poor soil site conditions, small planting strip areas along the interior streets, and undesirable street and park tree species:
    - All *Acer species*, Maple except the *Acer buergeranium*, Trident Maple
    - *Chilopsis linearis ssp* Arcuata, Desert Willow
    - *Cornus florida* 'Cherokee Princess', Cherokee Princess
    - *Ginkgo biloba* 'Fairmaont', Fairmont Ginkgo
    - *Koelreuteria paniculata*, Golden Raintree
    - *Magnolis x soulangeana*, Saucer Magnolia
    - *Pinus brutia* 'Elderica', Afghan Pine

8. Recommend the Oak trees planted in the drainage channels be planted only on the top two-thirds of the drainage channel and be included in the tree monitoring protocols. The Oak tree shall be maintained by the project's non-profit organization Acorns to Oaks Foundation as outlined in the project's baseline features.

#### **D. Davis Innovative and Sustainability Campus (DISC)**

The Commission created a statement of recommendations for the Commission's tree recommendations for the DISC project. See attached recommendations. The Commission made the following motion for the statement of recommendations:

Motion made by: Hwang-Finkelman

Seconded by: De Wit

Motion: Accept the statement recommendations for the DISC project and direct staff to put the statement with the DISC on-line materials.

Motion passed: 5-0

#### **E. Work Plan Review**

The Commission briefly reviewed the 2020 draft work plan and decided to take more time to review for the September 17, 2020 meeting and to finalize a work plan at that meeting.

Staff reviewed the work plan sections with the Commission. Each section was discussed and Commissioners had the opportunity to make additions as desired.

The Commission discussed and affirmed that the Education Subcommittee has been disbanded due to no current projects being completed at this time.

The Landmark Tree nominations were discussed and Commissioners were encouraged to find trees that could be nominated and designated as Landmark Trees. Staff informed the Commission that the current Landmark Tree list is up to date and published on the Urban Forestry web page.

Robinson informed the Commission that Tree Davis is also working toward nominating the great trees sent in to Tree Davis earlier this year.

#### Public Comments:

Alan Hirsch made the following comments:

- Add the tree budget review to the work plan.
- Tree Commission should review all project's tree plans.
- Research ordinance best practices for tree plans and enforcement problems with projects.
- Add the Urban Forest master plan.
- A tree technical manual should be created.
- Most of the Commission's time is spent with tree removals. Focus should be on policy and oversight and strategically using the commission time.

Guenther addressed the vacancies on the Commission and getting City Council authority to appoint interim commissioners between council appointment periods.

Walsh suggested adding the city tree debris issue to the plan and discussing the Committee initiative letter sent out to the City's commissions.

### **Commission and Staff Communications:**

#### **A. Topics for Next Meeting**

- 1) Recording Tree Commission meetings
- 2) Discussion of work plan projects

**Adjournment:** Meeting adjourned at 10:30 p.m.; moved by Hwang-Finkelman and seconded by DeWit.

### **Next Meeting: September 17, 2020**

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