

Parks and Community Services Department

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**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 Sumersille, 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 landmark tree protection fencing down at the apartment complex construction project and that construction materials have been placed around the landmark 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

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