

**Parks and Community Services Department**

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

Commissioners Present: Larry Guenther-Chair, David Robinson, Tracy DeWit, Colin Walsh, Jim Cramer, John Reuter, Lauren Hwang-Finkelman Alternate-Vacant

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 Hwang-Finkelman, seconded by Robinson.

Approved: 7-0

**Approval of Minutes:**

Motion to approve the minutes for February 18, 2021 was made by Walsh, seconded by Robinson with a correction to Walsh's comments about the Lincoln 40 project on Olive Drive that the Cork Oaks are Landmark Trees with building materials piled around them and the correction that Commissioner Reuter was not present and vote counts need to change accordingly.

Approved: 7-0

**Brief Commissioner and Staff Comments:**

DeWit commented as driving around town she noticed some housing tracks that have solar panels have less trees and the trees end up shading the panels. Also at Sutter Hospital there is one parking lot with just solar panels and one with trees and I prefer the one with trees. DeWit commented that she took pictures and may share with the Commission at a later date.

Reuter asked staff about information from the Bicycle, Transportation, and Street Safety Commission regarding tree removal at the intersection of Covell and L Street.

Reuter asked when during the meeting do public comments that have been received discussed and how do they get on the agenda.

Staff informed the Commission about the limb failure event at Slide Hill Park.

Staff briefed the Commission about the on-going clean-up from the January 27, 2021 storm event. Clean-up continues with removing damaged trees throughout the city.

Staff informed the Commission about the upcoming public outreach Tree Ordinance Revision Workshop. The workshop will be held virtually on Thursday April 8<sup>th</sup>, 2021 from 7-8 pm. The workshop information is on the Urban Forest web page.

Staff informed the Commission about upcoming Community Canopy grant tree plantings hosted by Tree Davis. The plantings will be at Community Park and in greenbelt area near Village Park.

Director Summersille informed the Commission that staff will update the storm clean-up costs at the next meeting.

**Public Comments:**

Alan Hirsch made the following comments:

- 1) Trivia about the word inoculation. It came from putting one tree into another like grafting.
- 2) The Bicycle Safety Commission is looking to have the trees pruned for signal clearance at Covell and L Street as the crowns are too low.
- 3) The Tree Commission moving forward should look to rename the commission to the Urban Forest Commission.
- 4) A state of the forest report should be given annually for the condition of the trees and not just counts of the trees.

**Regular Items:**

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

<u>Location</u>	<u>Tree Species</u>
<b>1. 1314 Antelope Avenue</b>	<b>Bradford Pear</b>
Moved by: Cramer	
Seconded by: DeWit	
Motion: Move the staff recommendation to remove and replace the tree due to the structural and root problems.	
Motion Passed: 7-0	
<b>2. 514 J Street</b>	<b>Bradford Pear</b>
Moved by: Hwang-Finkelman	
Seconded by: Reuter	
Motion: Follow the staff recommendation to remove and replace the tree due to the poor tree structure.	
Motion Passed: 7-0	
<b>3. 1125 Juniper Place</b>	<b>Honey Locust</b>
Moved by: Walsh	
Seconded by: Hwang-Finkelman	
Motion: Move the staff recommendation to remove and replace the tree. Advise resident on the new tree planting location and advise to not park over the root zone.	
Motion Passed: 7-0	

**4. 1304 Pacific Drive**

**Chinese Pistache**

Moved by: Hwang-Finkelman  
Seconded by: Robinson  
Motion: Move the staff recommendation to remove and replace the tree, due to the diseased trunk.

Motion Passed: 7-0

**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	Yellow Box Eucalyptus	Storm damage

**C. Commission Initiative**

Guenther opened the item stating that the initiative had been started by current and former city commissioners and former mayors. He commented that the point was not to change procedures but to change the process of development review to improve projects with community engagement.

Director Summersille commented that the item was discussed at the March 16, 2021 City Council meeting.

Council Member Arnold commented that he did not have any comments now, but can answer any questions the Commission may have and that Mayor Partida and Councilman Frerichs are on a 2x2 to research the item.

Discussion

Reuter asked is the 7-23-2020 letter the most current version. Reuter also commented on how the consultation plan would work and how much time would it add to the review process.

Reuter commented if this would formalize a process for the consultation plan and if an outline for the plan would be developed.

Reuter asked if the commission would comment on the consultation plan prior to the project and would this change the charge of the Tree Commission.

Walsh commented that development and building groups like a clear plan for the review process.

Walsh stated that a clarification of the process is needed. He commented that the current charge of the commission lays out that the commission can work on tree related issues as an advisory role to the City Council.

Walsh stated that he was an adopter and signer of the initiative and may have recommendations later.

Robinson commented that he appreciated the comments and work of Commissioners Guenther and Walsh.

Cramer commented that he likes the notion of communication between commissions and review of cross over topics with commissions.

Cramer commented on the tension of getting information for a project and adding more layers of bureaucracy and slowing down projects.

Cramer asked about how Council received the proposal and if anything was forwarded to the full council from the subcommittee?

Guenther commented about helping to get interim appointments being made by the commissions when vacancies come and before council appointments are made. Guenther believes this would help the ability of commissions to meet and ensure commissions have a quorum of commissioners.

Guenther commented that social justice and public safety should be added to the list under item C of the proposal. Gunther also stated that delays in review may be sped up by a clear and definitive time-line for review.

#### Public Comment

Alan Hirsch made the following public comments:

- 1) He urged the Commission to endorse the initiative.
- 2) Commissions need consistency.

Richard McCann made the following comments:

- 1) A meeting of all the commission's chairs is a part of the initiative.
- 2) A standard format for staff reports is being developed.

Councilman Arnold commented that the City Council did not take up the body of the initiative but did approve the meeting of the commission's chairs at the March 16, 2021 Council meeting.

The Commission made the following action:

Moved by: Guenther

Seconded by: Cramer

Motion: Approve the initiative with the addition of social justice and public safety to item C in the proposal and add a provision for commissions to make interim appointment of vacancies.

Motion passed: 7-0

#### **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.

Director Summersille made the following comments:

- 1) The public comment period for the ordinance review has been extended until April 30<sup>th</sup> and that there will be an outreach workshop on Thursday April 8<sup>th</sup> from 7-8 pm and held on-line.
- 2) Staff is working out the particulars for getting approval of the 2x2 subcommittee between the Tree and Natural Resources Commissions to go over the parking lot shade guidelines. Staff will be seeking City Council approval at the April 6<sup>th</sup> Council meeting for a short-term appointment of the subcommittee.
- 3) Will have 1-2 questions during the discussion, but asked the commission if there were any further information needed to help work through the revision as there is not a true redline version since the document has been reorganized.

Walsh introduced the item for the update subcommittee

Walsh commented to staff that the subcommittee still needs the links from the cities that the consultant reviewed for the ordinance.

Walsh commented that the subcommittee discussed a bigger question for the Commission with the ordinance which may be for deciding what projects come before the Commission and developing a metric for Commission project review.

Reuter commented about how to get through the comment document might be to scroll through the document so not to miss any bigger topics for discussion.

Reuter commented on some of the big discussion items for the subcommittee which were:

- 1) Enforcement and responsibility.
- 2) Establishment period length
- 3) Monitoring period length
- 4) In-lieu fees and what they cover

Guenther commented that policy should come first for the ordinance and asked what has changed in the ordinance.

Guenther asked about enforcement of the ordinance and who would administer the fines and who collects fines. Guenther commented that the penalties need to be worse than not doing something.

Reuter commented on what should be put into the ordinance and what should go into the reports and specifications.

Public Comment

Richard McCann commented that he will be a member from the Natural Resources Commission of the 2x2 subcommittee being formed. He stated that a lot has changed since 2002 for section 37.06 related to parking lot section and it may look different after the 2x2 meetings.

Alan Hirsch made the following comments:

- 1) The confusion and difficulty is well grounded for the update.
- 2) Parking lot shading needs to have the tree planted correctly.
- 3) Discussions are out of sync with what problems are being solved and details are easy to make but no policy direction given to consultant.
- 4) Wasting public resources as the consultant did not understand the urgency of update.
- 5) The Commission is starting in the middle of the process and negative place. Waste of time.
- 6) Policy revisions and big questions need answered.

Discussion

Dewit commented that the developer planting warranty period needs clarification for fees as it seems to be a vague process.

Reuter asked about the change from the existing to current document. What was added and what was removed.

Walsh commented do we need to add a value statement for the ordinance.

Hwang-Finkelman asked about the street tree coverage percentage for streets. Hwang-Finkelman asked about the number of years that the developer is taking care of the trees? Does the Commission require or set this period?

Cramer comment should there be incentives for tree establishment for 3-5 years after planting.

Reuter commented that with possible drought periods that a five year establishment period would be better.

Cramer commented if street trees are included as a subset of the City Tree definition.

During the discussion of the parking lot shade guidelines the Commission made the following action:

Moved by: Walsh

Seconded by: Cramer

Motion: Form a 2x2 subcommittee with the Natural Resources Commission to develop parking lot shade guidelines for the Tree Ordinance revision and appoint Commissioners DeWit and Reuter as the members. DeWit added a friendly amendment to add Guenther as an alternate to the subcommittee.

Motion passed: 7-0

#### Public Comment

Alan Hirsch commented he had concerns with members having a robust understanding of structural soils and suspended pavement, also maintenance plans.

Michelle Byars commented that she is on the Natural Resources Commission subcommittee as well and would like to be clear on the parameters for the subcommittee.

Patrick Odland commented that he was part of the 70's tree planting program. He also commented does the city need to take more of the old trees down and then plant new trees in their place. Also if tree are planted in people's names it may help to get them established and people will care for them.

John Johnston commented that the Natural Resources subcommittee being formed may only be months long and a low intensity project for getting some language written down and guidelines done.

Walsh commented that the word "family" in the single family zoning needs to be updated for an up to date definition.

Reuter asked for a clarification on the 5" diameter definition of a tree and what happens to the smaller young trees.

Walsh commented that the 50% shading for street trees should be restored from 30% now being recommended.

Reuter commented that there could be a five or ten year establishment period. This would save some budget funding for this period. He would prefer a ten year period.

Commissioner Cramer had to leave the meeting at 9:10pm.

Expanding the scope of the Commission's authority to remove healthy trees if they are keeping the property owner from reasonable uses was discussed and not limiting the commission's ability to approve a healthy tree for removal.

Guenther commented that an expanded scope is not needed.



DeWit commented that this is a good discussion about getting a clearer perspective for the public and removal of healthy trees. DeWit does not think it needs to be exercised, but is good for use with difficult situations for city tree removal.

The Commission discussed having lights in city trees especially the twinkle lights in the downtown area. The item was discussed under the prohibited acts section and the Commission discussed if there should be a holiday light exemption for an established time period where lights would be allowed in city trees.

Commission will further discuss an exemption 60 day time period and approval by the Urban Forest Manager and a possible exemption for downtown.

Reuter commented about two topics about the ordinance and does it have appropriate responses to property owners that neglect trees. Another issue is enforcement mechanisms of the ordinance and should the Commission know what the enforcement mechanisms can be applied.

Public Comment:

Patrick Odland commented that instead of having wires on the trees maybe have holograms instead and strive for less light in town for increasing natural star light.

Alan Hirsch made the following comments:

- 1) Commission doing an amazing amount of work with the policy.
- 2) Cannery developers examples for proper maintenance not done by developers and should maybe pay the city to do the work.
- 3) Policy driven ordinance should be the way to do the ordinance and look at big issues first and not discovered as you go along.

Reuter commented that enforcement world needs to be implemented in the ordinance as much as possible.

Commission agreed to table the rest of the tree ordinance comment discussion for the April meeting.

Guenther commented that compliance is the real issue and enforcement can help.

**Commission and Staff Communications**

- 1) Subcommittee updates - The Tree Document subcommittee met and is working on the purpose and scope sections for the document.
- 2) Planning Commission letter for 202 & 260 Cousteau Place was discussed. Guenther drafted a recommendation letter to the Planning Commission for the solar project at these addresses. The letter was drafted as the Tree Commission was only asked to review the tree mitigation fees for the project and not the tree removals in the parking lots. Guenther asked the commission to put the letter on the April agenda for approval by the Commission.

Walsh agreed that the letter should be put on the agenda for April.

3) Topics for next meeting:

- a. Tree Ordinance update review.
- b. Recommendation to Planning Commission on parking lot tree removals on the Cousteau Place project.

Public Comment

Alan Hirsch commented that hazard tree risk assessment should be part of a future meeting and understand the full process for the ordinance update and to make sure what you are doing is put in the ordinance.

**Adjournment:** Meeting adjourned at 10:30 p.m.; moved by Hwang-Finkelman and seconded by Walsh. 7-0

**Next Meeting: April 15, 2021**

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