

Parks and Community Services Department

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Tree Commission Minutes
April 15, 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: None

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 Hwang-Finkelman.

Approved: 7-0

Approval of Minutes:

Motion to approve the minutes for March 18, 2021 was made by Hwang-Finkelman, seconded by Cramer with a correction to Guenther's comments about the Commission Initiative item that current Commissioners helped create the initiative as well.

Approved: 7-0

Brief Commissioner and Staff Comments:

Staff informed the Commission that the Urban Forest crew is finishing up the planting season for the year.

Staff informed the Commission that the Urban Forest Management Plan Request for Proposals is set to release and will be issued through the Public Works Department.

Staff briefed the Commission on the Tree Ordinance update public outreach on-line workshop held Thursday, April 8. The work shop had two attendees for the hour long meeting. The Tree Ordinance revision was discussed with the participants.

Staff informed the Commission that the next public outreach opportunity for the ordinance revision will be at the May 22 Farmer's Market. Staff and Helix Environmental Consultant will be tabling at the Farmer's Market to get input on the revision. The tabling will be from 9-12 noon.

Staff informed the Commission regarding the current status of the January storm event clean-up. Staff reported the following information:

Response calls on January 27 th	211	Cost \$15,650
Hazard limb removals	176 tree	Cost \$47,284
Tree removals	84 trees	Cost \$102,848
Specialty Equipment		Cost \$33,785
Total clean-up to date		Cost \$ 199,567

Director Summersille informed the Commission that the public comment period for the Tree Ordinance revision has been extended to May 31, 2021.

Director Summersille informed the Commission about the Tree Davis event honoring Lois Wolk. The on-line event is Saturday May 1 at 1pm and being hosted by Tree Davis.

Hwang-Finkelman informed the Commission she will be leaving the Commission in June as she is graduating early.

Public Comments:

No public comments were given at the meeting.

Regular Items:

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

- | <u>Location</u> | <u>Tree Species</u> |
|--|-----------------------|
| 1. 643 Portsmouth Avenue | Honey Locust |
| Moved by: Robinson | |
| Seconded by: Walsh | |
| Motion: Remove the tree due to the mistletoe infestation and plant a replacement tree. | |
| Motion Passed: 7-0 | |
| 2. 3302 Victoria Place | Moraine Ash |
| Moved by: DeWitt | |
| Seconded by: Cramer | |
| Motion: Follow the staff recommendation to remove and replace the tree due to poor tree health and mistletoe. | |
| Motion Passed: 7-0 | |
| 3. 3304 Victoria Place | Moraine Ash |
| Moved by: Walsh | |
| Seconded by: Cramer | |
| Motion: Follow the staff recommendation to remove and replace the tree due to poor tree health, mistletoe, and limited growing space for root crown. | |
| Motion Passed: 7-0 | |
| 4. 2419 Elendil Lane | Chinese Tallow |
| Moved by: Robinson | |
| Seconded by: DeWit | |
| Motion: Follow the staff recommendation to remove and replace the tree, due to the decayed trunk. | |
| Motion Passed: 7-0 | |

5. 901 Pine Lane

Japanese Zelkova

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

Motion Passed: 7-0

6. 526 12th Street

Moved by: Hwang-Finkelman
Seconded by: DeWit
Motion: Move the staff recommendation to remove and replace the tree, due to the decayed trunk and main scaffold branch.

Motion Passed: 7-0

7. 1429 Camphor Lane

Chinese Tallow

Moved by: DeWit
Seconded by: Hwang-Finkelman
Motion: Move the staff recommendation to remove the tree, due to the diseased trunk. Walsh added the friendly amendment to also plant a replacement tree.

Motion Passed: 7-0

8. 1432 Camphor Lane

Chinese Tallow

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

Motion Passed: 7-0

9. 2006 Loyola Drive

Modesto Ash

Moved by: Robinson
Seconded by: Cramer
Motion: Move the staff recommendation to remove and replace the tree, due to the extensive mistletoe infestation.

Motion Passed: 7-0

B. Informational Tree Removals

<u>Location</u>	<u>Tree Species</u>	<u>Reason for Request</u>
516 D Street	English Walnut	Split tree
1319 Arena Drive	Aristocrat Pear	Dying tree due to Fire Blight
4119 Hackberry Place	Aristocrat Pear	Limb failure damage
3035 Anza Avenue	Redwood greenbelt tree	Dead tree
1102 Colby Drive	Japanese Zelkova	Basal rot
1102 Harvard Drive	Japanese Zelkova	Basal rot

C. Planning Commission Recommendations for 202 & 260 Cousteau Place Solar Project

The Commission discussed a letter of recommendations from the Tree Commission to the Planning Commission regarding the solar array project for 202 & 260 Cousteau Place.

Walsh commented that trees are required for building and fees are what would be paid for the removals. Applicant does not want to pay the fees.

Guenther commented on the inconsistency of requiring trees for building and not paying mitigation fees for removal.

Staff recommended removing the named parking lots from the letter and leave the information about failed parking lots without shade generic. Reuter and Walsh both agreed with the staff recommendation.

Walsh recommended that letter be sent to the City Council and City manager.

The Commission made the following action for the item:

Moved by: Guenther
Seconded by: Cramer
Motion: With the staff edits to the named parking lots, send the recommendation letter to the Planning Commission, City Council, and the City Manager.

Motion passed: 7-0

D. Municipal Code Chapter 37 updates

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

Reuter commented that the Commission take time to review the subcommittee recommendations and have the full Commission make comments on the Commission's comments incorporated into the draft recommendation sheet.

Reuter also asked for some guidance on the 2x2 subcommittee with the Natural Resources Commissions regarding the parking lot shade guidelines. He would also like any minutes and the cool parking lot shade document developed by the Natural Resources Commission.

Reuter introduced a second document developed by the subcommittee to show the stages for the tree issues of the ordinance with categories to look at for comments and to ensure all the issues are looked into for the revision.

Reuter would like to use the document to organize what the ordinance covers and what needs to be changed or incorporated. Areas in the document can be ranked by the Commissioners for importance.

Guenther asked if the Commission wanted to look at the issues items or go through the rest of the ordinance for each item.

Reuter suggested going through the issues page and give feedback on the current draft issue document.

Guenther commented that Commissioners can give feedback at any time as we go through the document.

Reuter would like to see commercial site planting strategies be added to the revision as goals for shade points to a percentage of shade for the project. He would like to see if mitigating for the eco-systems benefits loss can be tied into the ordinance as well.

Guenther commented that there is an increasing list of benefits from trees and can now quantify those benefits. Benefits have begun to be incorporated into fees, but quantifying the health effects of trees is not that advanced to put a dollar value on them.

Cramer commented that the broad goals would be in a master plan and have them referred to but not in the ordinance.

Guenther commented that monitoring and inspections need to be in the ordinance. Issues for reimagining public safety is recommending that code enforcement is moved out of the Police Department. Inspections for tree people and enforcement may go to another department.

Cramer commented that monitoring and enforcement are across the ordinance revision and there needs to be a way to explain what happens if the ordinance is not followed.

Reuter commented for mitigation planting who is responsible, what is the length of time for care, when would the city take over. This may have been sufficiently covered in the ordinance, but is it covered clearly?

Guenther mentioned that there are now options for mitigating trees' loss. In-lieu fees, off-site planting and payments into the tree fund. Mitigation fees are for removal and planting? Staff clarified that fees are not for removals, and do not include a period of maintenance.

Reuter commented that it would be better to not include a specific fees total in the ordinance, but put it out in a document that can be updated.

Guenther commented that language for fees to be periodically adjusted be added otherwise they may not be updated or raised as needed.

Walsh commented that there needs to be a balance with the things that are in the ordinance and standards information in documents outside of the ordinance.

Guenther commented that specs and guidelines need to be on an update schedule and a specified frequency for the updates.

Reuter commented that staff does a good job keeping up with field standards and specifications may need to be updated every five years as things change slowly, but one time per five years is a good time frame.

Cramer commented that usual language is to add regular updates and could leave the frequency vague.

Walsh commented that most of the comments and discussion is coming from the subcommittee and wants to see if other commissioners have comments.

DeWit commented that it is good to listen to the discussion for now and will have comments later.

Reuter commented that incentives for compliance be investigated for help with compliance of the ordinance.

Guenther agreed it would be good to have carrots and sticks in the revision. He also stated that it could be tricky to change the Tree Commission's scope of work from the Council charge.

DeWit asked about where the competition between solar and trees arise and if there was any historical information about it. They are different.

Guenther commented that there is big motivation to get petroleum out of the energy production and that solar and trees can coexist with some creative design work.

Reuter commented that it also stems from a push for solar in the last 15 years.

Guenther commented that the issue is also enhanced by not monetizing the value of trees as with solar panels.

Walsh commented that trees provide other benefits that solar panels do not.

DeWit commented that solar panels do provide shade, but is confused on the competition.

Reuter commented about the re-sale inspections for city trees and if it would be good in the ordinance.

Guenther commented that parking lot trees are required for planting and then no mitigation or reduced mitigation for removal. City trees are important, so they could be part of the re-sale inspection

Cramer asked if this is something new to be done or is this already happening. Staff answered that it would be something new to develop.

Reuter commented that the concept of the re-sale inspection could be used for commercial property and project conditions of approval.

Hwang-Finkelman commented that another alternative would be to give homeowners a packet about their city tree for public education.

Guenther commented that it could also be a check-in appointment with a new owner to see if property needs to be brought in line with code.

DeWit commented that she favors checks and balances with things in the ordinance.

Guenther commented that violations should be defined in the ordinance and apply the code to the situation and apply maximum fines for violations. The structure for the fines should be in a separate document.

Walsh commented about returning to the twinkle light discussion to finish it. Subcommittee could write something up that could approve lights stipulating fastening the lights to the trees with orchard tape or something similar. Further discussion may be needed.

Public Comment

No public comment was given.

Commission set the next steps to:

- Finish Commissioner comment review
- Subcommittee to set further discussion on remaining issues
- Review comments next month

Commissioners to send any comments to staff.

Commission and Staff Communications

Guenther commented that Arbor Day and Earth day are coming up this month.

- 1) Subcommittee updates.
- 2) Topics for next meeting:
 - a. Tree Ordinance update review.

Adjournment: Meeting adjourned at 9:00 p.m.; moved by Cramer and seconded by Reuter. 7-0

Next Meeting: May 20, 2021

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