

Public Comments

Agenda Item 1



September 28, 2021

*Joint Planning Commission; Parks, Beaches, & Recreation
Commission; and Beautification Advisory Committee
Meeting Study Session*

September 28, 2021

Joint Planning Planning; Parks, Beaches, & Recreation, Beautification Advisory Committee Meeting
Study Session

From: Paul Totah [REDACTED]

Sent: Sunday, September 26, 2021 3:26 PM

To: Nibbelin, John; Berman, Lauren; Domurat, George; Ferguson, Alex; Godwin, James; Hauser, Samantha; Leal, David; Abbott, Cindy; Luson, Nick; Heywood, James; Kellogg, Kevin; Knowles, Cynthia; Marchetti, Mark; Shoemaker, Gail Benton; Moses, Melinda; Hoffman, Ryann; Bennett, Gail; Gossage, Julie; Hontalas, Patricia; Jonas, Linda; Wells, Daniel

Cc: Bier, Mary; Vaterlaus, Sue; O'Neill, Mike; Bigstycck, Tygarjas; Beckmeyer; Woodhouse, Kevin; Wehrmeister, Tina; Murdock, Christian; O'Connor, Bonny; Perez, Michael; Petersen, Lisa; Bautista, Sam; Lavorini, Paul; Kurttila, Raymond; McKeand, Tina; Serafin Steere, Allison

Subject: Important Information for Tuesday Meeting

[CAUTION: External Email]

Dear Commissioners and Committee Members,

Please open the revised attachment below for important information for the 6:00 p.m. Tree Ordinance meeting September 28th.

When Tree City Pacifica learned that the Heritage Tree Ordinance was going to be revised, we got to work. As you know, a robust Heritage Tree Ordinance is required to be a Tree City USA, and we don't want to lose that designation! Members of our group split up and researched Heritage Tree Ordinances in 15 cities. We primarily chose Tree City USA cities as we knew that their ordinances were strong enough to qualify.

Once we gathered the information from other cities, we condensed it into a four-page document called Tree Policy Best Practices. That was quite a job! When we were told that document was too complicated, we created a two-page Excel document called Heritage Tree Comparison, which is attached. In the first column you will find elements of Heritage Tree Ordinances. In the second column, are the Best Practices from other cities that we recommend for the revised Heritage Tree Ordinance. The third column contains information from the current Pacifica ordinance.

Please promote our Best Practices recommendations. They were approved by City Councils, staff and city attorneys throughout Northern California that care about climate change and our Urban Forests.

Thank you, Tree City Pacifica

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	Elements of Heritage Tree Ordinance	Best Practices* for Revised Ordinance	Current Ordinance
1	Definition of Heritage Tree	All trees which have a trunk with a 12 inch diameter at 54 inches above native grade (DBH- industry standard), excluding eucalyptus and black acacia. *Los Gatos, Pacifica Grove	All trees, exclusive of eucalyptus, which have a trunk with a circumference of fifty inches (approximately sixteen inches in diameter) measured at 24 inches above the natural grade.
2	Tree removal/pruning permits	A resident who desires to remove, move, or trim more than 25 percent of a tree must apply for a permit at current fee. If applying to remove a heritage tree, then they must also provide a <u>Plant Back Deposit of \$425</u> . * San Mateo, South San Francisco	A person who desires to destroy or move a heritage tree shall apply for a permit. The amount is currently \$222. (No Plant Back Deposit.)
3	Assessment Requirements	<u>ISA Basic Tree Risk Assessment Form</u> completed by a certified arborist required to accurately assess risk. <u>Clear policy to remove high and extreme risks trees, and protect moderate and low risk trees.</u> *Pacific Grove, Alameda, Palo Alto	The Director of the Department of Community Development and Services of the City (not a current position) or appointed representative shall issue a proposed decision determining if trees may be destroyed.
4	Resident Tree Replacement Policy/Plant Back Deposits	A tree removal permit is conditioned on <u>replanting three 15 gallon trees (3 to 1 ratio)</u> . A Plant Back Deposit for these trees is submitted with the permit fee. Proof of replanting (photos and receipts) is required for the Plant Back Deposit to be returned. <u>Replacement trees should equal the removed canopy in 15 years and include both Upper Canopy and Lower Canopy trees.</u> If no replanting occurs, the Plant Back Deposit goes into the City Tree Fund. *South San Francisco, Menlo Park, Pacific Grove	A tree removal permit may be conditioned upon tree relocation on-site, planting of replacement trees, or payment of fees in lieu if on-site replacement is not feasible. (Lack of specific policy makes tree mitigation decisions cumbersome- e.g. PB&R tree appeal mitigation decisions require continuous deliberation.)
5	Resident In Lieu Fees	If on-site replacement is not feasible, In Lieu fees that equal the value of the tree as determined in the <u>Guide for Plant Appraisal by CTLA/ISA</u> will be paid into the Tree Fund. * Pacific Grove	Payment of fees in lieu if on-site replacement is not feasible (currently no guidance is provided on how to determine In Lieu fees)
6	City Tree Replacement Policy	Any felled City trees must have stumps removed and replacement trees planted within one year. *South San Francisco, Palo Alto	None
7	Notification of Tree Removal	Retain current notification system, add URL and QR code for appeal form to notice, and <u>post pending tree removals on City website with ISA ratings and reasons</u> . Adjust timeline to allow for <u>three weeks</u> before appeal must be submitted. *Pacific Grove, Menlo Park, South San Francisco, Alameda	Posting a notice on the tree as to be visible from the street, and delivering notice in person or by mail to adjacent and abutting property owners. Appeal must be submitted within seven days.
8	Appeals	PB&R appeal process requires an <u>ISA Basic Tree Assessment Form</u> completed by an independent, impartial TRAQ certified Arborist be provided to all Commission members (or City Council) to assure accurate information is given regarding the risk of the trees.	Appeals go to Parks, Beach and Recreation Commission. The Commission holds a hearing for the Tree Appeal. The PB&R decision can be appealed to the City Council. No specific tree information required for appeals.

9	Tree Company requirements	<u>Tree service contractors must hold a valid business license</u> with the City. To renew the license they must meet annually with the city arborist to review urban forestry standards and sign an agreement to abide by them. All companies must visibly mark all trucks etc. with contractor name, license number, address and phone number. <u>Failure to abide by standards (e.g., removing trees without permits) can lead to fines and revocation of contractor's city business license.*</u>	None
10	Violations of Heritage Tree Ordinance	Any person or business engaged in removing or pruning trees without a permit will be <u>fined up to \$5000 for each tree and for each offender.</u> (Pacifica may be restricted to a \$1000 fine for each tree for each offender.) Violation fines will go into the City Tree Fund.	Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than \$1000 or by imprisonment in the county jail for a period not exceeding six months. (Violations of the Heritage Tree Ordinance are currently not being enforced. This has encouraged illegal removal of Heritage trees, which in some cases has resulted in flooding and other dangerous situations.)
11	Development Tree Protection Plans	Expand the current requirements for Tree Protection Plans to industry standards including Tree Protection Zones (TPZ). It is especially important to avoid severing roots which destabilizes trees and creates dangerous circumstances. A tree survey and tree preservation report must be approved with the building permit. <u>All plans and building permits must be approved before trees can be removed.</u>	Current ordinance requires any development proposal to have a Tree Protection Plan. It outlines Tree Protection Standards including Identification and Drip Line Protection.
12	Development Policy for Mitigation of Tree Removal	Heritage Trees must be replaced by three 15-gallon trees (3 to 1 ratio), or <u>In Lieu fees must be paid that equal the value of each tree</u> using the Guide for Plant Appraisal by CTLA/ISA. Removal of trees in a <u>logging operation (more than 20 six-inch trees) requires In Lieu fees for each tree.</u> In Lieu fees go into City Tree Fund. *Burlingame, South San Francisco, Pacific Grove	A tree removal permit may be conditioned upon tree relocation on-site, planting of replacement trees, or payment of fees in lieu if on-site replacement is not feasible. (Lack of specific policy makes tree mitigation decisions cumbersome- e.g., Planning Commission mitigation decisions require continuous deliberation.)
13	Tree Fund	Mitigation and Development fees, Plant Back Deposits, and Violation fees go into a dedicated <u>Tree Fund that may only be used for maintenance and replacement of City Trees</u> *South San Francisco, San Mateo, Pacific Grove	None
14	Tree Canopy Goal	The State determined Pacifica's Tree Canopy to be 19.5% in 2018. <u>Adopt a Pacifica Tree Canopy Goal of 30%.</u> Tree planting, public and private tree replacements and development landscaping collectively work to meet Pacifica's Canopy Goal. *South San Francisco, Pacific Grove and most Tree City USA cities	None
* Best Practices from other Tree City USA city ordinances			

From: Patton, Arlene [REDACTED]

Sent: Sunday, September 26, 2021 8:16 AM

To: Bautista, Sam

Cc: O'Connor, Bonny

Subject: Re: Heritage Tree Ordinance Update – Joint Study Session with the Planning Commission, Park, Beaches, and Recreation Commission – Tuesday, September 28, 2021 – 6:00 pm

Hi Sam,

Thanks for including OSPAC. I can't make this meeting and can't speak on behalf of OSPAC but do have a question/comment. I love trees but we have a number of trees throughout the town that are suffering from pine pitch canker and other diseases which would be considered Heritage Trees but are clearly a fire hazard. Are there any City sponsored programs that waive the administrative cost of the Heritage Tree removal permit for low income property owners?

Having gone through the process myself, I understand the necessity and the value of Staff's time but am concerned that the cost of the permit is another barrier to remove these diseased trees.

Thanks for your consideration,

Arlene Patton