



Memorandum

TO: TRANSPORTATION & ENVIRONMENT
COMMITTEE

FROM: Ed Shikada
Jim Helmer
Joe Horwedel

SUBJECT: SEE BELOW

DATE: 05-10-07

Approved

Ray Winter

Date

5/11/07

SUBJECT: REPORT ON TREE PRESERVATION WORKPLAN

RECOMMENDATION

Provide feedback to staff on this workplan for evaluating the City's current tree preservation activities, including confirmation of the City's overall goals, review of resource allocation, and development of any proposed program, process, and policy changes.

OUTCOME

Acceptance of this staff report and accompanying work plan will allow staff to continue progress while ensuring consistency with City Council priorities to improve tree preservation in San Jose.

BACKGROUND

The City Council has directed several recent reviews and modifications related to tree regulation, largely as a result of community concerns about unpermitted or improper pruning or removal of trees. At the Rules Committee meeting on October 5, 2005, Council requested recommendations for increased fines and enforcement efforts to help reduce the illegal removal of trees. After discussion of street tree maintenance and new tree planting at the Building Strong Neighborhoods Committee on October 16, 2006, Council requested an outreach plan for San Jose's citizens, a comparison of other city practices, information on grants and other options for low-income residents of San Jose. During the February 6, 2007 City Council meeting, several tree preservation issues were referred to the Transportation and Environment Committee.

Several related work efforts are also under way. These include development of a Transportation Maintenance Master Plan (TMMP) to assess the condition of public rights-of-way including trees, and determine the strategies to maintaining an acceptable condition. The Department of Transportation is conducting community meetings in each Council District, along with additional surveys to identify specific community priorities for the street system and preferences for the commitment of resources. Community input is intended to help determine the viability of street

tree maintenance by property owners, City assistance, and funding options. Staff was also recently directed to create a Two-Year Infrastructure Work Plan to identify prioritized needs and potential funding mechanisms. Street trees and trees in parks and on other City owned facilities are included in this Deferred Maintenance and Infrastructure Backlog Work Plan.

The Transportation & Environment Committee is also monitoring progress on the Urban Environmental Accords; Action #11 of the Accords includes a goal of trees planted in fifty percent of the available street tree locations that do not currently have trees. Finally, the General Plan Update process begins during May 2007. The update will include additional information on the City's goals for its urban forest.

It is estimated that over one million trees exist in San Jose, with approximately one-third of those on public rights-of-way and within our Park and Trail systems. Responsibility for care and preservation of the urban forest is a challenging issue. Public funding for comprehensive tree preservation does not exist, and the funding that does exist is very limited and primarily allows staff to address problem trees, hazardous situations, grinding of stumps, arborist services and grants to Our City Forest for planting and education programs.

As trees mature they add more value to the community and environment. At the same time, unhealthy trees can result in hazardous conditions, upheaval of sidewalks, limited visibility of traffic control devices and poor illumination from street lighting. It is recognized the City needs improved tree preservation, including inventories, condition assessments, education, maintenance, and permitting systems. Currently, oversight of tree responsibilities on public and private properties could involve up to seven different departments within the City as well as the Redevelopment Agency.

The City Manager's Office is leading a comprehensive review of tree-related services and regulations within the City and comparing them to those of other agencies. Representatives from departments and other key stakeholders will be asked to participate in this review. Coordination will occur over the next four months through open meetings as well as the Transportation and Environment Committee. Recommendations for any changes will be forwarded as they are identified, and a final report is expected in September 2007 containing possible policy changes and other key recommendations.

ANALYSIS

Native and non-native trees provide environmental, economic, and aesthetic benefits to a community. They alter the environment in which we live by absorbing carbon dioxide and other pollutants, producing oxygen, providing shade and serving as windbreaks, slowing storm runoff and erosion, promoting biodiversity, absorbing pollutants, conserving water resources and harboring wildlife. By intercepting radiant energy from the sun, they help reduce heat radiating from buildings and pavement and lower the overall urban temperature. Property values often increase when mature trees are present and their shade promotes energy efficiency by reducing cooling costs during summer months. Trees intercept rainwater to significantly reduce the

erosion of topsoil and risk of landslides, contribute to increased storm water quality and less runoff, which may result in less flood damage. Trees can help reduce the cost of construction and maintenance of drainage systems through the reduction of flow and the need to divert surface waters. More pollution absorption means fewer health problems, such as asthma. Trees provide privacy and can soften the appearance of urban environments. They also provide serene and tranquil settings that help build a sense of community.

The National Arbor Day Foundation has provided the City of San Jose with its Tree City USA designation for the last 25 years, reflecting a commitment to develop and support a substantial urban forest. The designation requires a minimum expenditure of \$2 / resident or approximately \$1.9 million / year for tree preservation. Funding for contracted maintenance activities has been consistently reduced over the past six years and implementation of current cost reduction proposals may lead to the loss of this designation.

Management of the Urban Forest is a joint public / private responsibility. Property owners are responsible for maintenance of trees on their property and in the park strip adjacent to their property. As part of an effort to educate the public about their responsibilities for trees, the City has provided annual grants to Our City Forest, a non-profit organization, for urban forestry activities. This annual grant has been a cost effective method for funding efforts to obtain additional grants, community outreach, training and education, tree planting and early care programs using volunteers. Property owners are also reminded of the condition of their street trees and of their responsibility to maintain these trees whenever property is sold or transferred through mandatory disclosure by the seller.

Although partial inventories exist, there is no comprehensive inventory of the estimated one million trees in the City's urban tree canopy. Approximately 330,000 of those trees are on City property. Generally, City guidelines for street trees require at least one tree in the planting strip adjacent to each property and at least three trees for corner lots. Using these guidelines, the City has estimated that there are 60,000 locations along City streets where trees should be planted. Trees in these locations were never planted or may have been removed for one of many reasons. Trees are often removed because they are dead or in poor health, repeatedly damage building foundations and pavement or interfere with overhead wires, or are of an improper type, planted in the wrong location or pose some other hazard. It is estimated that almost 7000 trees die or are removed annually. Offsetting this decrease to some degree are approximately 2,000 trees planted by Our City Forest and 10,000 to 15,000 trees planted as a condition of new development and by other property owners. To encourage additional replacement efforts, Action 11 of the Urban Environmental Accords sets a five year goal for planting trees in fifty percent of those locations where street trees are viable, but non-existent. Staff has issued an RFP for GIS mapping of all street trees using the City's high resolution orthophotos to help identify potential planting sites and attain this goal.

Processes for planting new trees, caring for young and mature trees, pruning trees, removing dead or unwanted trees and leaves, and / or enforcement of permitting rules for trees on public and private property are the responsibility of seven different departments and the Redevelopment Agency. These departments are: Environmental Services, General Services, Parks, Recreation

and Neighborhood Services, Planning, Building and Code Enforcement, Police, Public Works, and Transportation.

Tree Preservation Workplan

Staff has begun a review of current concerns and priorities, ultimately leading to recommendations for policy and program changes. We anticipate that this review will focus on improvements that can be accomplished within existing funding, and address the following issues:

- A. Overall City goals – Staff will propose a set of principles that reflect a balanced approach for the City role in providing a safe setting for the community, supporting environmental initiatives, and respecting property owner rights. It is anticipated that this will include the City's desire to preserve trees because of a growing global focus on the significant environmental, economical and aesthetic benefits that trees bring to a community. It would also include an acknowledgement of the need to remove trees when due to poor health or destructive effects on buildings, infrastructure, and utilities. And, it would address a property owner's need to remove trees for a variety of reasons, such as poor species selection, or locations impacting potential development or improvements. This will allow staff to better structure the overall efforts to modify existing tree-related programs.
- B. Strategies for enhancing the urban forest - Staff will propose an approach for improving the quality and quantity of trees in San Jose. This would include a discussion on updating the Tree Master Plan for each neighborhood, Internet and other resources, review of tree protection standards during construction, incentives during the development review process and opportunities for outreach, education and stewardship.
- C. Regulatory mechanisms – Staff will propose modifications to the permit and enforcement process. This would include proposals for simplifying the process for issuing permits, assessing appropriate fines or other penalties for violations, including the potential loss of licenses or development rights, determining the number and location of replacement trees or collecting in-lieu fees when planting sites are unavailable to a permittee, and the need for professional certification from recognized arborist organizations. This will also include recommendations on revisions to the current approach to the heritage tree nomination process and enforcement.
- D. Tree inventory objectives and approach – Staff will propose options to undertake documentation of existing tree locations. This would support enforcement of tree removal permitting, as well as locating tree planting sites for the Urban Environmental Accords and providing a database for tracking Heritage Trees. The proposal will focus on the utilization of existing resources and initiatives to complete the inventory.
- E. Consistency of City practices with regulations on private parties – Staff will review departmental practices for protecting and removing trees to determine how they may

differ from permit regulations for property owners. If appropriate, recommendations to modify departmental practice or permit regulations will be made.

- F. Best Management Practices – Staff will propose revisions to the tree preservation process based upon a comparison of current City practices to model ordinances from other agencies.
- G. Resource requirements, priorities and service delivery strategies - This would provide recommendations for resource reallocations after analyzing input from stakeholders and identifying their priorities. It would also mention the funding strategy recommendations from other ongoing work plan efforts and those voiced by stakeholders, including the potential for maintenance assessments, new fees and the appropriate use of funds collected from new fees and fines.

The City's tree preservation services should provide efficient and effective guidelines for the preservation and growth of our urban forest. These guidelines should reflect the interests of residents and businesses, the availability of funding and City Council's priorities.

In order to address these issues, staff is undertaking the following actions and anticipated timeframes:

1. Compile information about the City's current urban forestry management services, practices and policies. (May)
2. Survey other agencies with recognized tree programs, such as Los Angeles and San Francisco, to determine Best Management Practices (BMPs). Discuss City goals with the Transportation & Environment Committee. (May – June)
3. Conduct meetings with internal stakeholders to identify their concerns about current tree services and hear their suggestions for changes that would make the program more effective and efficient and better able to meet community needs. Outreach to internal stakeholders will precede those with external stakeholders to ensure that processes and capabilities are well understood and to provide these stakeholders with an opportunity to understand and provide input to this effort. (May)
4. Develop a survey and conduct meetings with external stakeholders to identify their concerns about current tree services and to hear their suggestions for changes that would help the program meet the needs of San Jose's residents and businesses. Outreach will be undertaken with neighborhood associations, environmental organizations, landscape professionals and the development community. (May)
5. Identify BMPs for implementation based on stakeholder input and survey of other agency BMPs. (June – July)

6. Return to stakeholders to obtain input on the acceptability and feasibility of draft proposals. (July)
7. Coordinate with TMMP and Deferred Maintenance and Infrastructure Backlog Work Plan projects on potential funding options. (May – August)
8. Finalize proposals for implementation. (September)

Next Steps

Consistent with City Council direction, staff will survey other agencies on their BMPs, develop a survey and hold meetings with internal and external stakeholders to gather input on their concerns and suggestions for the tree program. In June, staff will present the Transportation and Environment Committee with an update on the progress of the workplan.

COORDINATION/OUTREACH

Preparation of this report and memorandum was coordinated with the assistance of the Redevelopment Agency and following Departments: Environmental Services, General Services, Parks, Recreation and Neighborhood Services, Planning, Building and Code Enforcement, Police, Public Works, Transportation, and the City Attorney's Office.

The proposed workplan is based on issues raised in prior City Council discussions of tree preservation, and anticipated resources available to undertake the effort required. Staff from each of the departments above will remain engaged in this effort through completion. We anticipate that response to initial outreach and meeting notifications will inform the methods used to sustain community engagement throughout the next several months. In addition to providing opportunities for active engagement through established organizations, we anticipate that a survey will be conducted of recent applicants for tree pruning and removal permits to solicit their direct feedback on existing City process.

FISCAL/POLICY ALIGNMENT

The proposed work plan is consistent with the Council direction to review and make recommendations on tree policies.

COST AND BUDGET IMPLICATIONS

The current effort and work plan have been developed within existing operating funds. No special budget allocation has been made for tree preservation activities at this time.

05-10-07

Subject: Report on Tree Preservation Workplan

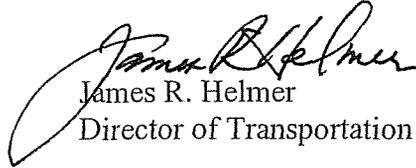
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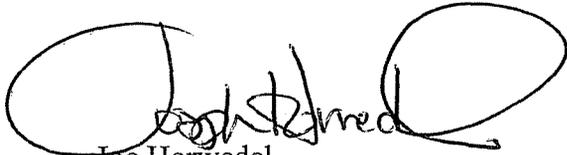
Not a project.



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