



Public Works Department

MINUTES

REGULAR MEETING OF THE URBAN FOREST COMMITTEE

Monday January 7, 2019 7:00 p.m.
El Cerrito City Hall
City Council Chambers
10890 San Pablo Avenue

1. Roll Call :

Present: Chair Steve Price, Vice Chair Mary Torrusio, Members, Cathy Bleier, Robert Hrubes, Yan Linhart, Mike Srago.

Also present were several members of the public; City staff: Operations Manager, Maria Sanders; Management Analyst, Will Provost; Staff Liaison, Stephen Prée.

Absent: Council Liaison Gabriel Quinto

2. **Committee Member Announcements and changes to the agenda:** None.

3. **Comments from the Public on non-agenda items:** None.

4. **Report from the City Council Liaison:** Mr. Quito was not present.

5. **Action Items-** A motion to adopt the minutes from the December 17, 2018 meeting was made by Mike Srago, 2nd, Yan Linhart.

6. City Tree and Shrub Ordinance Revision

A. *City Staff Presentation-* Staff presented an overview of the ordinance revision process; the background, reasons for the update, the process, the existing ordinance, key changes and amendments, consistency with City policies, staff recommendations and next steps (see attached slide show presentation).

B. *Urban Forest Committee Clarifying Questions-* Chair Steve Price observed that the ANSI A300 pruning standards are not readily available and that the City should make copies of the booklet available to residents. Cathy Bleier thanked staff for their responsiveness and for the definition of relevant terms in the ordinance; she noted the pragmatic scope of the ordinance and the potential complications of adding a heritage tree component at this time. Robert Hrubes asked if the scope of the ordinance is limited to public trees or private also. Provost responded: Predominantly public trees with the exception of those private plants that encroach into the Public Right of Way (PROW). Hrubes recommended that Public Tree be clarified in the ordinance title and that the title seems broader than the actual ordinance scope. Chair Price inquired about how tree appraisal standards would be applied. Prée responded: by use of the industry standard "Guide for Plant Appraisal".

C. *Public Questions & Comment*- Resident Dennis Sangster commented that the UFC had no nametags and asked the committee to introduce themselves. After introductions, she commented that the City is divided in two, that the ordinance does not address the areas that are at elevated risk for fire. She said that the City planting strips need to be regulated to insure that the right trees are planted in the right places. Chair Price responded: the UFC has been discussing fire issues and that separate ordinance chapter may be appropriate to address those concerns. Sanders added that the prohibited plant list is a reference point; the ordinance doesn't divide the City but a plant list could; she suggested moving forward with an ordinance and to revisit the plant list as needed in cooperation with the Fire Department (ECFD). A discussion of the purpose of the prohibited plant list followed. Bleier noted that the purpose of this list is to remove offending plant species that may cause damage or health and safety risk and the goal is to lay a clear path for enforcement. Sanders added that the ordinance is intended to provide a path for appeals too. Prée said that the Approved City Tree List reflects the de-selection of certain species and includes minimum width for planting. Ms. Sangster commented that there are life and safety issues around City property and around private property with new growth Eucalyptus trees invading both.

Susan Duncan thanked the UFC for their work, commented with her concerns for public wildfire safety in the Hillside Natural Area and the nearby East Bay Regional Park, she said that this ordinance falls short of addressing these concerns, increased risk fire areas are not improved by adding street trees, the UFC needs to get the City going on Eucalyptus management. She suggested that the title of this ordinance may be better as the Street Tree Ordinance.

Ralph Boniello introduced himself including his background serving on the UFC for 6 years until recently; while he is pleased with the street tree protections he said the ordinance is not strong enough as it fails to address the 2007 Urban Forest Management Plan goals of a heritage tree ordinance, and canopy cover requirements. He said that the prohibited plants list should be expanded to include Juniper and that the ordinance should include separate goals for fire risk areas & the flats, multi-family properties should be required to have street trees; he asked, why not apply the regulations concerning the mutilation of trees (13.28.080) to private trees? He also said that the enforcement section continues to be ambiguous. He said that now is the time to write an ordinance that addresses these goals and concerns, and if not now, when?

Marlene George said that she does not see trees the same way since the Tubbs fire; the ordinance addresses trees only as beneficial, but it should acknowledge the risk of trees; tall trees have obscured views and can be hazardous.

Howdy Goudey said that appreciates the UFC taking on this huge topic and therefore the limited scope of the ordinance; we live with the planting decisions that people made 50-100 years ago, managing the urban forest is a challenge. Regarding fire, incendiary material may be produced from miles away but the source is more likely building materials, not trees. Robin Mitchell expressed interest in Mr. Boniello's comments regarding private tree issues and commented on the wide variety of professional arboricultural opinions of the trees in her neighborhood; she asked what the City can do to help residents understand what to do with their trees. Mike Srago asked "who would want the City to tell them what they can or cannot

plant in their yards?”. Chair Price responded to Ms. Mitchell, that one of the goals of the UFC is to educate the public.

Sandra (no last name given) expressed her dislike of tall trees and asked if the City knew about the new trees at the Plaza Bart station. Robert Hrubes asked her, “what’s wrong with tall trees?”. Prée said that the City approved the landscape plans for the Plaza station and the trees are Canary Island Pine, a well suited tree for the site. Sandra said that tall trees cause sidewalk issues and that the City seal used to say “City of Views”, she thinks there are too many tall trees now. Chair Price commented that the City seal at one time also said “City of Homes”. Sandra said that she wants to see more aggressive regulation on private trees and expressed dissatisfaction with PROW plantings that create a wall of shrubs against the street. Maria Sanders (staff) described the PROW as variable throughout the City, private vegetation that encroaches on the PROW follows the City’s nuisance abatement protocol and residents should contact the Public Works Maintenance division (maintenance@ci.el-cerrito.ca.us or 215-4369) for enforcement action.

Scott Perry said that so much of what the City does is punitive; a City wide program should be created with volunteer cooperation, to clear room for cars in preparation for emergency evacuation. He said that he, and others from ‘Make El Cerrito Fire Safe’, have asked the City Council for designated evacuation routes and asked if there is a more community based way to create better clearance in the PROW.

Kay (no last name given) described how when she bought her home, the hillside was clear-cut, and now her house is “shrouded with trees” - she is terrified, and her neighbor’s trees are overgrown. “We want the City to tell us what to do with private trees.” In the past, she was required to reduce fire fuels before she was issued a recreational permit, and she wants permits for private landscaping. Liability insurance will not insure due to the designated fire risk area; wants City to protect residents from other residents.

Chair Price encouraged the audience to focus on the tree and shrub ordinance. He recognized the limit of scope but said that our focus needs to be on the value of this ordinance.

Mark Mendel recommended changing the term “restricted root zone” to “protected root zone”.

Maria Sanders said that private tree issues involve much larger considerations and a larger public process than the current public tree scope; adding private trees would greatly affect the progress already made with this draft to protect public trees. This is not to say that the City will not look at private trees, but this draft is an achievable first step in public tree protection.

Ralph Boniello asked why have a public process then? Criteria should be developed for prohibited plants, the public tree list, make a requirement for street tree plantings at multi-family housing, and protections should also pertain to private trees.

D. *Urban Forest Committee Discussion and Potential Action*

Mike Srago: “You are all saying that this ordinance does not do what you want it to do.”

Public: “Can you advance funding for Eucalyptus management?”

Robert Hrubes: “We do not have budgetary say.”

Cathy Bleier described her professional background work at CalFire with fire mapping and public forestry. She said that it is not clear to her what the City's rules are regarding fire risk areas- she wants the City to address this process at a future UFC meeting. She described the "wars" in Berkeley over Eucalyptus management and said that if we were to do this we could expect an enormous, lengthy public process and she recognizes the budget implications of tree removals. Ms. Bleier expressed her happiness with the progress on this ordinance.

Robert Hrubes said that he agreed with Dr. Srago's comments, almost all of these public comments are outside the scope of this ordinance, either we pass this narrow ordinance or take time to reconsider the scope. He asked "what are the ramifications of not proceeding with recommending this ordinance? "

Maria Sanders: This is not a zero sum game, there are advantages to moving this forward as an incremental step. She suggested that the draft could be improved and a separate track could be taken to address private trees.

Chair Price: Street trees are the value asset that the ordinance is intended to address.

Robin Mitchell: Call it a street tree ordinance.

Sue Duncan: Can the UFC acknowledge the lack of management of certain trees and the re-sprouting Eucalyptus and Monterey Pine ?

Denise Sangster: City needs to acknowledge risk and manage trees in fire risk areas.

Cathy Bleier: Does the City have a fire protection plan that could be circulated?

Public: Would have liked the Council liaison to have been present for this meeting.

Yan Linhart: Many good comments made tonight, UFC would like to hear more, please attend a meeting.

Robert Hrubes said his view is that most of the public comments were outside the scope of this ordinance as presently written, and while some comments had valuable content; he would vote to delay the recommendation of this draft.

Motion: *To delay recommendation and to continue committee discussion at next UFC meeting:* Cathy Bleier; 2nd Hrubes; unanimous

8. Adjournment- 9:15

Tree and Shrub Ordinance Public Draft

Urban Forest Committee
January 7, 2018

Will Provost
Public Works Analyst

PUBLIC MEETING AGENDA

- i. Presentation from City Staff
- ii. Clarifying Questions from Urban Forest Committee (UFC) Members
- iii. Questions/Comments from Public
- iv. Responses/Remarks from City Staff
- v. UFC Discussion and Potential Action



PRESENTATION OUTLINE

- ▶ Background
- ▶ Reasons for Updating Ordinance
- ▶ Process
- ▶ Existing Ordinance
- ▶ Key Changes and Amendments
- ▶ Consistency with City Policies
- ▶ Staff Recommendations / Next Steps



REASONS FOR UPDATING ORDINANCE

To clarify:

- ▶ What qualifies as a City Tree
- ▶ Responsibilities for pruning, planting, and removal of City Trees
- ▶ Protection of City Trees
- ▶ Liability for damages to City Trees
- ▶ Enforcement and appeals process

A Tree Protection Ordinance is a prerequisite to becoming a “Tree City U.S.A.”



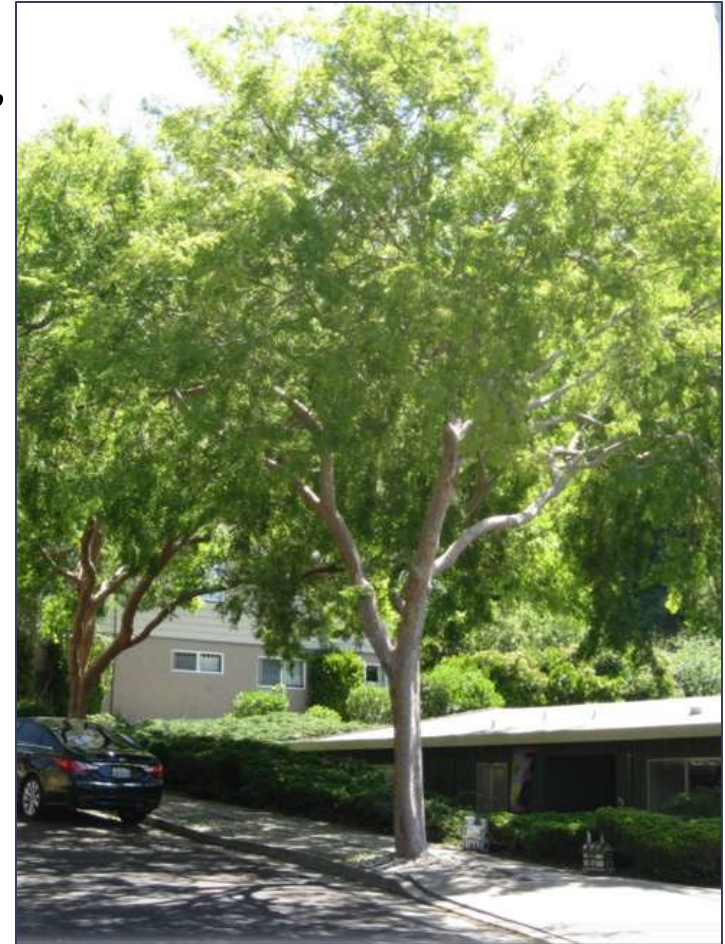
PROCESS

- ▶ 2016-2017 UFC researched and compared dozens of ordinances and made recommendations.
- ▶ June 11, 2018 - UFC Meeting
 - ▶ Presented proposed revisions to ordinance for review, discussion, and comments.
- ▶ November 26, 2018 – UFC Meeting
 - ▶ Reviewed the administrative draft for feedback, discussion, and comments.
- ▶ December 17, 2018 – UFC Meeting
 - ▶ Reviewed the Tree Maintenance Standard Operating Procedures (SOPs) and draft Prohibited Plant List.



EXISTING TREE AND SHRUB ORDINANCE

- ▶ Official Tree List for planting in “parking strip”
- ▶ Approval needed from City to plant a tree or shrub in the parking strip
- ▶ City may require pruning or removal of trees or shrubs in parking strip
- ▶ City may cause work to be done through nuisance abatement procedures
- ▶ Trees and shrubs may not block streets or sidewalks
- ▶ Unlawful to mutilate or damage trees and shrubs in the parking strip or public places



KEY CHANGES AND AMENDMENTS

- ▶ Focuses on Public Right Of Way (PROW) and Public Spaces
- ▶ Emphasizes the protection and management of public trees and the public urban forest
- ▶ Defines elements of the Tree Program
- ▶ Sets clear guidelines for when City approval (permit) is needed
 - ▶ To eliminate improper planting, pruning, removal, etc.
 - ▶ Expands ability to plant shrubs and ground cover in adjacent PROW without a permit



KEY CHANGES AND AMENDMENTS (Cont.)

- ▶ Sets standards for the maintenance and protection of public trees and shrubs
- ▶ Defines “Restricted Root Zone”
- ▶ Adds “Prohibited Plant List”
- ▶ Specifies liability for damaging public trees
- ▶ Creates appeals process for permits and violations



Prohibited Plant List

Prohibits the Planting of certain species in Public Places.

Including:

- ▶ Trees already prohibited under El Cerrito Municipal Code (10.90.190)
 - ▶ Example: Redwood, Blue Gum Eucalyptus, Monterey Pine
- ▶ Moderate or Highly Invasive Plants
 - ▶ Categorized by the California Invasive Plant Council
 - ▶ Example: Certain Broom, Ivy, Acacia species, Pampasgrass
- ▶ Thorn Bearing Plants
 - ▶ Example: Agave
- ▶ Poisonous Plants
 - ▶ Example: Castor Bean

The list is a “living document” and will be updated administratively



CONSISTENCY WITH CITY POLICIES

- ▶ Urban Forest Management Plan (2007)
- ▶ Climate Action Plan (2013)
- ▶ El Cerrito Strategic Plan (2013)
- ▶ San Pablo Avenue Specific Plan (2014)
- ▶ Urban Greening Plan (2015)
- ▶ Parks and Recreation Facilities Master Plan (2019*)
- ▶ Green Infrastructure Plan (2019*)

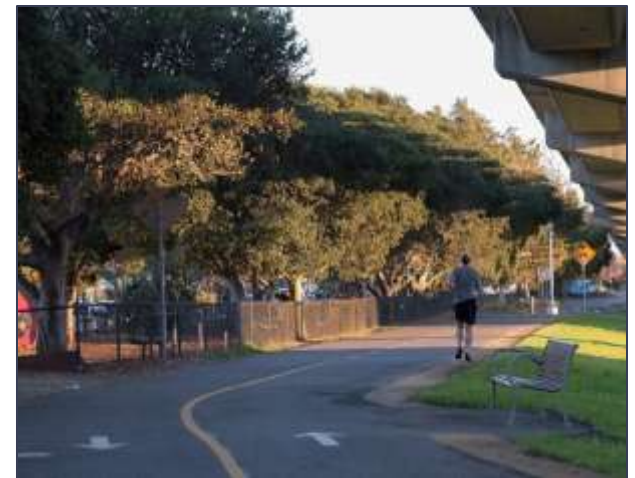


PUBLIC FEEDBACK

- ▶ Add private property and/or “heritage tree” protections
- ▶ Include development guidelines and requirements for trees

Example: prohibiting tree grates, requiring minimum soil volumes, requiring plantings every X feet for new developments

- ▶ Prohibiting certain allergenic species
- ▶ Include more native species on Master Tree List
- ▶ Prohibit fire prone species



NEXT STEPS

- ▶ Take public comment/ revise ordinance as necessary
- ▶ Consider recommending Council adoption of the Amended Tree and Shrub Ordinance
- ▶ Further develop Prohibited Plant List, SOPs, and/or Design Guidelines
- ▶ Bring Ordinance to Council
 - ▶ Spring 2019
- ▶ Pursue Tree City U.S.A. Recognition



QUESTIONS or COMMENTS?

