



CITY OF  
**PALO  
ALTO**

# Planning & Transportation Commission Action Agenda: November 8, 2023

Council Chambers & Virtual  
6:00 PM

## Call to Order / Roll Call

6:01 pm

Chair Summa: Good evening, I want to welcome everyone to the regular meeting of the Planning and Transportation Commission. Could you call the roll please?

ROLL CALL

Ms. Veronica Dao, Administrative Associate: Chair Summa?

Chair Summa: Here.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Here.

Ms. Dao: Commissioner Akin?

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1 Commissioner Akin: Here.

2

3 Ms. Dao: Commissioner Hechtman?

4

5 Commissioner Hechtman: Here.

6

7 [TIMESTAMP 8:19 VIDEO SKIPPED]

8 *Video skipped through the remainder of roll call. Video indicated that Commissioner Templeton*  
9 *and Commissioner Lu were both present, Commissioner Reckdahl was not, the PTC had a*  
10 *quorum.*

11 Chair Summa: Before we get started, I wanted to mention something and that is that we have  
12 an item number three after our adjournment, which was an informational item, if anyone  
13 would like to speak to it, they could do that in the public comment period, which is coming up  
14 next. If anyone shows up at the end of the meeting who wants to speak, we'll try to find a way  
15 for them to speak to that item also. It's really just an informational report and not an Agendized  
16 item. So thank you very much and with that we will move to Public Comments for items not  
17 Agendized tonight. Do we have any speakers?

## 18 **Oral Communications**

19 The public may speak to any item not on the agenda. Three (3) minutes per speaker.<sup>1,2</sup>

20

21 Ms. Dao: I have no requests to speak.

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Chair Summa: Okay, thank you very much and we'll move on then to City Official Reports.

John Kelley (Public Comment): Sorry, my name is John Kelley, I just have a question, which is whether the Planning Director or anyone else from Development Services has contacted the PTC about reviewing the impact fees for ADUs. Thank you.

Chair Summa: Thank you for that comment. Are there any other public speakers at this time?

Ms. Dao: No.

**Agenda Changes, Additions and Deletions**

The Chair or Commission majority may modify the agenda order to improve meeting management.

Chair Summa: Okay. Thank you. Now we can move on to Agenda changes, deletions and additions.

Ms. Amy French, Chief Planning Official: No changes.

Chair Summa: Thank you so much. And then you're up again for City Official Reports.

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1 **City Official Reports**

2 1. Directors Report, Meeting Schedule and Assignments

3 Ms. French: Thank you, Amy French, Chief Planning Official, on the screen is (coughing) excuse  
4 me, the upcoming Planning and Transportation Commission tentative agendas as well as the  
5 upcoming Council Agendas that have planning Items. As you can see, we're going to have a  
6 busy end of the year. We had representation at the Council, thank you to Commission Aikin last  
7 on Monday night, he represented Planning for the Car Free Streets as well as the Ellsworth item  
8 which was not heard and was continued to a date uncertain. Then we have some other items  
9 coming up that Planning Commission has reviewed, the Housing Element Implementing  
10 Ordinances and Los Trancos home, both of which the Planning Commission reviewed. And then  
11 the end of November we have the rental registry program. Coming up in December there's the  
12 safe parking which the Planning and Transportation Commission also reviewed, and some other  
13 items that are kind of tentative at this point for those dates. And of course later this month the  
14 Planning Commission will have the bike and pedestrian plan update from the Office of  
15 Transportation and will be looking at the annual report like we do every year, on our progress  
16 on our Comprehensive Plan and Housing Element. We are targeting December 13<sup>th</sup> for our  
17 Study Session on the NVCAP and then we have a couple of action items that may or may not  
18 come forward by that point, and of course next year in January [TIMESTAMP 11:38 VIDEO  
19 SKIPPED] We have Office of Transportation staff to present.

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1 Chair Summa: Thank you. I see that Mr. Rius is here.

2

3 Mr. Rius: Thank you Amy and thank you Chair and Commissioners. Rafael Rius, Senior Engineer

4 with the Office of Transportation. I have several updates to give [TIMESTAMP 11:54 VIDEO

5 SKIPPED] and also wanted to put out a reminder out there that the open comment period is still

6 open on the projects website, and that will be open likely until the end of the month also.

7 Earlier this week at City Council, City Council did approve the Crescent Park Traffic calming

8 neighborhood traffic calming project which previously came to this committee as well as the

9 Car Free Streets for Romona and [TIMESTAMP 11:57 VIDEO SKIPPED]. Blake Wilbur Drive

10 between Sandhill Road and Welch Road is now open, it opened on Monday. A follow-up on the

11 previous Middlefield Road and Lincoln Avenue intersection improvements [TIMESTAMP 12:40

12 VIDEO SKIPPED] is happening right now. And I believe that's all the comments I had.

13

14 Chair Summa: Thank you for that, Commissioners do you have any questions? Commissioner

15 Templeton .

16

17 Commissioner Templeton: Thank you very much, Mr. Rius did you want to update the

18 community about the meeting happening on the 24<sup>th</sup>, about El Camino Real with the City and

19 adjacent cities and the State Senator and State Assembly member?

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1 Mr. Rius: I apologize, I'm not familiar with that meeting that's happening, but I'll try to get  
2 additional information (interrupted)

3

4 Commissioner Templeton: Oh, you don't have it, I'll be happy to share, I just think that because  
5 the City is participating in the meeting that it would be good to include [TIMESTAMP 13:36

6 VIDEO SKIPPED]... hosted jointly between State Senator Josh Becker and State Assembly  
7 member Mark Burman, with CalTrans, about the upcoming road paving project that will be

8 affecting Palo Alto, Los Altos and Mountain View. It will be held Tuesday November 14<sup>th</sup> at  
9 11:30 AM at the Mountain View Community Center on Rengstorff Ave. There's also a zoom

10 participation option, you can find information on the website of either the State Assembly  
11 member or the State Senator. Thank you.

12

13 Chair Summa: Any other questions, Commissioner Lu?

14

15 Commissioner Lu: Related to that meeting, is there any high level update on the plans for El  
16 Camino, potential bike lanes, parking, other changes?

17

18 Mr. Rius: I will follow up with you, I mean nothing... there hasn't been any community process  
19 or approvals of anything, but I'll follow up with our planners and try to find out more to share

20 feedback.

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Commissioner Templeton: I think that would be wonderful Mr. Rius, for now, I think what we can say is that CalTrans, the people that are operating El Camino Real will be there to answer questions about that and what's happening in our adjoining communities, I believe that's one of the reasons CalTrans was considering bike lanes as an option for Palo Alto, because Los Altos and Mountain View will be getting them, so it will be interesting to talk to them about our feedback and our process and just please show up if you can, they can get to know what we're looking for, for community involvement and work with our city. Thank you.

Chair Summa: Thank you for that. Any other commissioner comments or questions? Anything else from staff at this time? Okay. Thank you then everyone. We will move on to our study session, which is Tree Protection Ordinance Year One Review and recommendations. So with that we will move to staff who I believe has a presentation.

**Study Session**

Public Comment is Permitted. Three (3) minutes per speaker.

- 2. Tree Protection Ordinance Year One Review and Recommendations  
6:10 PM – 7:10 PM

Peter Gollinger, Urban Forester: Yes, Thank you Chair and Commissioners, Peter Gollinger, Urban Forester for the city. Tonight, we're going to be discussing some of the feedback we've received after the first year of ordinance implementation. As ya'll know we've updated our

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1 ordinance in June of 2022, and it went into effect in July, and we've spent this last year  
2 implementing it. Next slide please. So, the process that we've been following here is the  
3 ordinance that went into effect in July. In June we updated [TIMESTAMP 16:30 VIDEO SKIPPED]  
4 for participation this evening, as directed by Council when the ordinance was passed in June. In  
5 December we plan to take our findings back to Council for further direction on how to proceed.  
6 Where we expanded the definition of protected trees, we updated the allowable reasons for  
7 removal, we focused on the maintenance of private protected trees, and [TIMESTAMP 16:51  
8 VIDEO SKIPPED] ... trees that are currently protected under the new ordinance. We have several  
9 native species and we protect all mature trees over fifteen inches. The trees that were  
10 previously protected are the Coast Live Oak, [TIMESTAMP 17:07 VIDEO SKIPPED]... One of the  
11 key new changes is the protected tree maintenance [TIMESTAMP 17:10 VIDEO SKIPPED] ... onto  
12 the best management practices for maintaining their trees. Next Slide Please. There's no fee  
13 associated with this, it's just an informational notification. So, what we came to talk to you  
14 about this evening is we have some proposed changes, we also think there's room to make  
15 some changes to the allowable reasons for removal. Next slide please. In regard to updates, for  
16 clarity, we have some highlights [TIMESTAMP 17:40 VIDEO SKIPPED]... when the applicant  
17 chooses the Arborist and when the City would choose the Arborist. It was unclear in the existing  
18 code. We updated the definition of a designated tree so that it includes both current and  
19 previously completed projects, asking projects to disclose. We're also seeking to clarify when I  
20 tree removal permit is needed and when a minor Staff Level AR is needed, moratorium. Next

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1 slide please. So specifically, regarding tree disclosure, the existing code is kind of a run-on  
2 sentence and so we've chosen [TIMESTAMP 18:18 VIDEO SKIPPED]... regarding tree removal  
3 permit and when it's needed, a Public Works tree removal permit is needed for the removal of  
4 a private protected tree on a residential property outside of development. If a tree needs to be  
5 removed from anything other than a residential property it requires a staff level Architectural  
6 Review through the Planning Department, not through public works. That wasn't clear  
7 [TIMESTAMP 18:40 VIDEO SKIPPED] ... and verify that as well under the proposed language of  
8 36 months or less could be issues by urban forestry, anything greater than 36 months would  
9 require approval from Public Works or Director of Planning and Development Services. We also  
10 want to clarify that completion of any tree mitigation plantings required as part of the permit  
11 does not lift the moratorium. The Moratorium may be shorted or removed with approval of  
12 Urban Forester and may require additional mitigation measures of tree planting. [TIMESTAMP  
13 19:02 VIDEO SKIPPED]... Next slide please. 19.03 We also are proposing some updates to the  
14 reasons for removal. So, outside of development we'd like to separate detriment to or  
15 crowding an adjacent protected tree from impacting the foundation or eaves of a residence.  
16 Currently those are in the same bullet point, which prevents us from using the detriment  
17 [TIMESTAMP 19:25 VIDEO SKIPPED]... a tree is at risk for retrenchment or other tree decline  
18 coping process or structurally incompatible with its immediate environment. Now you may be  
19 asking what is retrenchment, Next Slide please. [TIMESTAMP 18:37 VIDEO SKIPPED] ... but it will  
20 begin to die back, it's upper limbs will start to die back and fall off and it will basically shrink

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1 itself down. It will reduce overall height but maintain stability. Now in a naturalized forest  
2 setting that's a fine thing, in an urban environment it's not so great. What is missing in our  
3 redline [TIMESTAMP 20:00 VIDEO SKIPPED] ... for reasons for removal is part of a development  
4 or residential lot, we will be proposing to add detriment to a crowding or adjacent protected  
5 tree. The new reason for retrenchment or structurally incompatible with it's immediate  
6 environment, we're also proposing to add the twenty-five percent rule into the code. So, the  
7 twenty-five percent rule is when the tree protection zone of a tree or trees takes up more than  
8 25% of the buildable area on a lot. This has previously been applied to residential projects but  
9 has never been in the residential portion of the code. So, we're seeking to address that  
10 oversight. Next slide please. We're also proposing to update a new reason for removal for non-  
11 residential development. Previously it was understood that under Title 18 we had discretion  
12 regarding these larger projects, but a closer reading of Title 18, it's not explicitly granted. So,  
13 this seeks to resolve that situation. So, this would allow us to approve some removals when the  
14 ultimate result would increase net tree canopy, [TIMESTAMP 21:11 VIDEO SKIPPED] ... Next  
15 slide please. We're also seeking to include an exemption for the excessive pruning, there are  
16 some types of tree maintenance that require removal of more than the limit for excessive  
17 pruning. These would be trees that have been maintained as a hedge, trees that have been  
18 pollarded, if pollarding is a term you're not familiar with, the photo here are pollarded trees.  
19 These are trees that are cut back to the same point every year, primarily it's to increase shade,  
20 it's usually in a patio setting, or trees that have been trained as an espalier. Next slide please.

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1 So, those are the changes that staff are proposing based on what we've seen in this  
2 [TIMESTAMP 21:58 VIDEO SKIPPED]... Protected trees, we could either eliminate one or more  
3 native species, we could change the diameter, or we could update the allowable reasons for  
4 removal. Next slide please. Just as a reminder, where we are, regarding other city's  
5 municipalities around us, Menlo Park protects oaks at ten inch, and mature trees at 15, East  
6 Palo Alto protects all trees at 8-inch, Los Altos mature trees at 15, Mountain View select natives  
7 at 4 inch and mature trees at 15. Redwood City any tree at 12 inch, Sunnyvale any tree at 12  
8 inch, Atherton oaks at 15.2, San Carlos nine inch, eleven inch; so, we're ... what we have  
9 currently is pretty much in tune with what the rest of the peninsula is doing. Next slide please.  
10 Just as a reminder, these are some of the estimates for the total number of trees in the urban  
11 area that we came up with when we were researching the ordinance. We estimate that there's  
12 approximately 600,000 total trees in our urban forest. Under the old ordinance, we protected  
13 approximately 81,000 of those trees. Under the new ordinance, we're estimating about 225 of  
14 those... 225,000 are protected. Again, this is an estimate based on a sample size of about  
15 10,000 trees on private property. Next slide please. Some additional potential actions, in August  
16 the City received a letter regarding our housing element, and one of the things that came to  
17 light was that there may be room for improvement regarding our tree ordinance, so these are  
18 some potential actions that could be taken. There's a little more detail in the report, this would  
19 apply... the proposal is that this would apply to projects with four or more units, I believe there  
20 are some other caveats as well, but we can speak to that when we have the discussion. Next

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1 slide please. And again, why are we doing this? We're doing this because there's a lot of value  
2 for us to have trees in our urban environment. Next slide please. And that's what I have this  
3 evening for my presentation, I look forward to discussion.

4  
5 Chair Summa: Thank you, Mr. Gollinger, for that report, and I thought that we would do what  
6 we usually do, have a round of clarifying questions and then we would go to the public and  
7 then come back to the Commission and I did want to mention for the record that Commissioner  
8 Reckdahl has joined us. So, I see Commissioner Akin and Commissioner [Vice Chair] Chang, in  
9 that order.

10  
11 Commissioner Akin: Thank you Chair, two clarifying [TIMESTAMP 25:04 VIDEO SKIPPED] ... and  
12 have a one million dollar property and a hundred thousand dollar additional project, is the total  
13 project valuation the 100k of the project that's being... the new project that's being applied or  
14 is it the 1.1 million of the existing valuation plus the new?

15  
16 Mr. Gollinger, Urban Forester: When we wrote that into the code, I believe it was having to do  
17 with the project itself, not the property and the project.

18  
19 Commissioner Akin: And, second, since you're surveying trees on private property, one possible  
20 reaction to the inclusion of so many new trees would be that property owners might remove

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1 trees that, if they grew to sufficient diameter, would become protected. So, have we seen any  
2 signs of removal of smaller trees in your surveys?

3

4 Mr. Gollinger, Urban Forester: So, these surveys were done from data that was collected  
5 during the development process so we don't... we have not collected a whole bunch of new  
6 data after the ordinance went into effect, just from a all men in the ground feel perspective,  
7 there may be some of that happening, but I don't know that it's a large issue.

8

9 Commissioner Akin: Okay, thank you.

10

11 Chair Summa: Commissioner [Vice Chair] Chang.

12

13 Vice Chair Chang: Thank you so much Mr. Gollinger, for this report. I loved seeing some of the  
14 data there because it answers all of the questions that we so often have on the Commission  
15 and this one actually came with the data. I had a question about when you are talking about  
16 retrenchments and ... there was also a phrase structurally incompatible, I don't know what  
17 structurally incompatible means, can you help clarify that?

18

19 Mr. Gollinger, Urban Forester: Yes, that could apply to a couple of different situations. Most  
20 notably would be a tree that was basically structurally unrepairable, I'd say a tree that has the

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1 majority of its limbs over the top of a home, and it can't be maintained or changed to come  
2 back to a regular status, but it's not technically a hazard. So, there are situations where a tree  
3 would be irreparable but they're not technically a hazard, there's no indication that the tree  
4 would fall immediately or in the near future but because it is so unbalanced or so strangely  
5 shaped or so incompatible with its immediate environment, it should probably be removed but  
6 we didn't necessarily have a category for that to fit where we could allow it. So, it's an attempt  
7 to capture those situations we encounter during the first year where the tree probably should  
8 be removed, but it didn't technically meet any of the criteria we had in place.

9

10 Vice Chair Chang: Thank you. And then my second question is regarding the changes proposed  
11 on Packet Page 10, so it's when you were talking about Espaliers, so the part that's added to  
12 the code says that requests need to be made fourteen days prior to the pruning. Is that  
13 something that needs to be done every single year, because in the examples that you gave,  
14 these are things that are done to trees every single year, or once somebody is doing it, it's  
15 clearly established that they are doing this and presumably they got the first waiver, they would  
16 get every single other waiver so is that the... what's the actual implementation that would  
17 happen here, is that party going to have to come every single year?

18

19 Mr. Gollinger, Urban Forester: So, if it is a protected tree they would still need to file the  
20 maintenance notice but I think they would only need to apply for the exemption once. So, once

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1 the exemption was granted, then they would just file their regular maintenance notice which is  
2 just an online form and we get an email, that way if we get a phone call we can look it up and  
3 say oh, no, they have a tree company coming to prune it, don't panic, they're not taking the  
4 tree out. We get a lot of those phone calls when people are doing their regular maintenance on  
5 their trees and the neighbors are freaking out, so having that list of what's going on, helps us  
6 answer those questions quickly.

7

8 Vice Chair Chang: Okay, and so where's the ... I am naïve about this, is the clarification for that  
9 process in the tree protection manual or is it... like I'm just wondering where the right place is  
10 for it, because I read this and my concern was like oh no!

11

12 Mr. Gollinger, Urban Forester: So, the specifics on the process will be included in the tree  
13 technical manual which, assuming we have some additional changes to the ordinance in the  
14 few next coming months after this process is complete, we would like to publish the manual  
15 immediately thereafter. We're holding off because we may make some additional changes, we  
16 want those to be incorporated into the document.

17

18 Vice Chair Chang: Thank you.

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20 Chair Summa: Commissioner Lu.

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2 Commissioner Lu: Well I had a few questions for this round, can you talk a little bit about the  
3 exemptions that other cities apply to their protected trees? I saw fruit trees were included,  
4 palm trees were included, eucalyptus/gum, are palms and eucalyptus like already covered by  
5 the invasive list and what's the logic for exempting fruit trees, for example.

6

7 Mr. Gollinger, Urban Forester: So, for us, palms are excluded, because palms are not  
8 technically trees, they are actually grasses, so they're just not even covered at all, so, palms are  
9 excluded under our ordinance, eucalyptus are excluded as a high fire danger and an invasive, so  
10 those are already covered under our own exemptions. I think some of the other municipalities  
11 are including fruit trees because folks may want to remove and replant fruit trees and they  
12 should be able to do that, I think, is the whole purpose of that. We have not included fruit  
13 trees, we discussed that during our initial passage of the ordinance but didn't choose to exempt  
14 those.

15

16 Commissioner Lu: I have a question about the 25% rule. So, that covers residential projects  
17 including ADUs and attached ADUs, but I think the calculated buildable area for an ADU is tricky  
18 and it's less clear to me, like for example, arguably an ADU can be just attached or take over  
19 your garage, and therefore trees that are otherwise in the way would not actually be in the  
20 way, because there are alternatives for ADUs. How does the 25% rule work with ADUs?

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Mr. Gollinger, Urban Forester: I don't believe we've ever applied the 25% rule to an ADU. It's been to the overall parcel as a whole, so maybe that's something that we can consider adding into that portion for the residential section. We can definitely discuss that, but it's never been invoked for an ADU, it's only been used for a ... usually for small nonstandard parcels where a large tree takes up the majority of the property.

Chair Summa: I see that our City Attorney would like to opine on this.

Mr. Albert Yang, City Attorney: Yea, I just want to also note that I think in the last twelve months we adopted an exception for ADUs, as well, so the tree ordinance should not be an impediment to ADU construction.

Commissioner Lu: Thank you. Maybe one last question for this round. Can you talk about the reproduction cost of the tree that's referenced a few points in the different penalties and I just lack context into what that would actually look like in practice.

Mr. Gollinger, Urban Forester: Yeah, so basically the reproduction cost of the tree is a calculation method that's published by the International Society of Herbivore Culture. It's a process by which an arborist would determine what it would cost to replace the tree as is, it's

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1 an estimate, because obviously you can't always replace a very large tree with a very large tree,  
2 it's not really practical, so, it's a practical real world equation to come up with a value, a  
3 reproduction value for the tree, and so that's why it's referred to, because there's a set way to  
4 calculate it. I don't have the formula in front of me, but it is something that we can look up and  
5 we can share with you.

6  
7 Commissioner Lu: Okay, just as an illustrative example, if there was an oak tree that you pass in  
8 the neighborhood, that's twenty feet high and has a 20 inch high diameter or something,  
9 (crosstalk) would that be in the tens of thousands or hundreds of thousands (interrupted)

10  
11 Mr. Gollinger, Urban Forester: Yeah, depending on the condition, if it were in poor condition, it  
12 might be eight to ten thousand, if it's in perfect condition and a great placement, it could be  
13 fifteen to twenty. It just depends on a series of factors including health, structure, size, species,  
14 ... so once they calculate that all out, then you can come up with a reproduction cost.

15  
16 Commissioner Lu: Yeah, just having that example is helpful, thank you.

17  
18 Chair Summa: Commissioner Templeton.

19

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1 Commissioner Templeton: Thank you so much. Were just doing technical questions now and  
2 then we'll do public comment and then opinion, okay. So, I'll save all my wonderful praise of  
3 your work for the opinion part, but you mentioned... I've got a few questions here... so you  
4 mentioned that there was a list of exemptions of trees that are not nonnative. Where is that?

5

6 Mr. Gollinger, Urban Forester: So, it is not in your packet, it's housed on our website for the  
7 ordinance, the invasive species list is pulled from CAL IPC, so California Invasive Plant Council,  
8 their list as well as a few other lists that have locally specific trees that are problematic,  
9 included on there are high water users such as willows, birches, all the things that use a lot of  
10 water are also exempt, the one exception is redwood. So, redwood is a high water user, but it's  
11 still protected.

12

13 Commissioner Templeton: Okay, thanks for clarifying that. Yeah, I'm ... as I was reading through  
14 I got kind of curious about the nuisance and the nonnative stuff and I started trying to follow  
15 that path and on Packet Page 20 you refer to the definition of dead hazardous or constitutes a  
16 nuisance under 80450 and I started reading that and I noticed that all of the nuisances were to  
17 the public structures like sidewalks, roads, and ....

18

19 Mr. Gollinger, Urban Forester: Correct.

20

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1 Commissioner Templeton: There was no nuisances to people enjoying their own property,  
2 people feeling safe in their homes and things like that, so is that the only kind of exemption that  
3 we have right now?

4

5 Mr. Gollinger, Urban Forester: So, our current nuisance language is in regard to its impacts to  
6 public structures.

7

8 Commissioner Templeton: And where's the language around how it impacts people using their  
9 own property, like for example let's say I have a patio I sell my house, there's a root knot all  
10 over the thing and the disabled person that buys the house from me can't use the patio  
11 anymore because it's so uneven they want to remove the tree, can they because of their  
12 personal needs?

13

14 Mr. Gollinger, Urban Forester: Currently we do not have a reason for removal that would meet  
15 that, if the tree met other reasons for removal, it could be removed.

16

17 Commissioner Templeton: Okay, so, is that legal? It feels like... I don't know... if that's  
18 something we want to talk about or flag, but if we're giving you feedback ... if it's just a study  
19 session and we're giving you feedback, I would want to make sure that it doesn't prevent a  
20 disabled person from using their own property, for example. There was other kinds of

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1 enjoyment of their property I was thinking about, so I've got... in my back yard I've got...  
2 somebody planted a.... I was telling Doria... a Christmas tree a hundred years ago... no maybe 80  
3 years ago and it's bifurcated and it has some kind of pest that causes it to drip sap. Like my  
4 patio is unusable because of the amount of sap, we've treated it, we've tried to do pest control.  
5 I like the tree, it's not going anywhere while I own the house, but I can imagine you know, it's a  
6 danger. My neighbors are worried, it's not going to fall on my house, it's going to fall on one of  
7 their houses, you know, what recourse do they have if it's making their property unusable with  
8 the sap, or if it's going to fall on one of the neighbors house and we can't afford that kind of  
9 liability because in California, insurance is being cancelled left and right because we're having  
10 climate crisis that cause our trees to fail.

11

12 Mr. Gollinger, Urban Forester: So, part of the reason for adding that new reason for removal  
13 with retrenchment or incompatible with its immediate environment is those two scenarios  
14 might meet that incompatible with its immediate environment.

15

16 Commissioner Templeton: Who decides that though?

17

18 Mr. Gollinger, Urban Forester: That would be (interrupted)

19

20 Commissioner Templeton: It's a healthy tree.

- 
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Mr. Gollinger, Urban Forester: So, that would be based on an arborist report and a review by our inhouse staff arborist.

Commissioner Templeton: So, the arborist will tell me if I'm allowed to use my patio or not.

Mr. Gollinger, Urban Forester: No, your arborist would present a report to us explaining why the tree is incompatible with its environment, and then...

Commissioner Templeton: Can you help me understand what about my description of that tree would qualify as incompatible with the environment.

Mr. Gollinger, Urban Forester: So, the tree that you mentioned that supposed to be an excurrent tree but it now has two main trunks, that is a potential hazard, it may not qualify as a hazard, but we could consider that incompatible with its environment, if it was going to be impacting the property.

Commissioner Templeton: But not the sap. Not the disease.

- 
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1 Mr. Gollinger, Urban Forester: depends on what's causing it. Again, it's... we would have to  
2 (interrupted)

3

4 Commissioner Templeton: What if it were an oak and I had a caterpillar infestation, and it was  
5 causing a body rash on my babies.

6

7 Mr. Gollinger, Urban Forester: If it could be treated, then we would probably recommend  
8 treating. Again, I'm uncertain.

9

10 Commissioner Templeton: It's okay, I know I'm putting you on the spot and I'm doing that  
11 because there are the kinds of things we are hearing from people in the community and it's  
12 frustrating because we all have good intentions with this ordinance, right, we want to protect  
13 our canopy, Palo Alto has one of the most beautiful canopies, right, like we are really lucky, but  
14 we also have to understand that we're having unintended consequences and so I'm just trying  
15 to... I'll save that part for the opinion later, but just trying to understand what the devils in the  
16 details here and what are they details that are specified. So, I don't know if this is something  
17 that staff can send out to the other commissioners, but the 8.4.050 does not have any human  
18 reasons to consider a tree a nuisance, it's all sidewalks, streets, infrastructure kind of thing, so if  
19 you wanted to look at that, maybe that is something staff would send out. Okay, I'll stop for  
20 now and hopefully come back after public comment. Thank you.

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Chair Summa: City Attorney if you'd like to comment please.

Mr. Yang: Yeah, I just want to note with respect to residents who may have disabilities and their interactions with the tree ordinance. The City has a reasonable accommodation process that applies to all city programs and policies, it's not something we address on an ordinance by ordinance ba... [TIMESTAMP 41:01 VIDEO SKIPPED]

Chair Summa: I'm not seeing any other lights so I think at this time we should go to the public, Ms. Dao, I'm sure we have people online and in the room.

**PUBLIC COMMENTS**

Ms. Dao: [TIMESTAMP 41:15 VIDEO SKIPPED].

JP Renaud: Thank you, Commissioners. Good evening, my name is JP Renaud, I'm the new Executive Director of Canopy [TIMESTAMP 41:22 VIDEO SKIPPED] has been here, I'm lucky to work in an organization that is so deeply connected to the people and the trees that live here. As we heard from our Urban Forester, the proposed redline... [TIMESTAMP 41:32 VIDEO SKIPPED] residents have encountered this past year. We support these recommendations as

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1 they clarify several contemplated additional changes when this ordinance is still in its infancy.  
2 [TIMESTAMP 41:42 VIDEO SKIPPED]... be done to understand the health of drought affected  
3 trees and where to prioritize ongoing care ... [TIMESTAMP 41:47 VIDEO SKIPPED] is stronger  
4 than ever. And every community Canopy works in, we believe ... [TIMESTAMP 41:52 VIDEO  
5 SKIPPED] changes to the ordinance beyond the proposed ones at this time ... [TIMESTAMP  
6 41:55 VIDEO SKIPPED]... stakes. We want to thank our urban forestry department for their  
7 [TIMESTAMP 41:59 VIDEO SKIPPED] ... critical urban issue. As you know, Canopy [TIMESTAMP  
8 42:02 VIDEO SKIPPED]... Canopy also [TIMESTAMP 42:05 VIDEO SKIPPED].. our county, east palo  
9 Alto, and Mountain View. Canopy invites and encourages [TIMESTAMP 42:09 VIDEO SKIPPED]...  
10 communities. Thank you.

11

12 Chair Summa: Thank you, Mr. Renaud.

13

14 Leah Russin: [TIMESTAMP 42:19 VIDEO SKIPPED] ... severely impacted by the storms,  
15 [TIMESTAMP 42.21 VIDEO SKIPPED] ... including directly above where I was sitting with my two  
16 year old at the time and ... [TIMESTAMP 42.25 VIDEO SKIPPED] and then told me no I could not  
17 remove it. [TIMESTAMP 42.28 VIDEO SKIPPED] told me the tree was healthy and [TIMESTAMP  
18 42.31 VIDEO SKIPPED]... and then it fell. And my daughter refused to sleep upstairs  
19 [TIMESTAMP 42.35 VIDEO SKIPPED] ... reach with this ordinance. I understand the goal of  
20 protecting a healthy urban canopy [TIMESTAMP 42.40 VIDEO SKIPPED]... we believe that we

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1 need much more flexibility and the [TIMESTAMP 42.43 VIDEO SKIPPED] at the discretion of  
2 requested by Canopy just now, [TIMESTAMP 42.45 VIDEO SKIPPED] to allow two arborists to  
3 look at that tree and say it was fine. [TIMESTAMP 42.51 VIDEO SKIPPED] ... tree would fall. Yes  
4 the storms were unusual, but we have no... [TIMESTAMP 42.54 VIDEO SKIPPED] of protecting  
5 the residents so that we don't have to face in the future what [TIMESTAMP 42.58 VIDEO  
6 SKIPPED]... look at more flexible approaches to encouraging our residents [TIMESTAMP 43.01  
7 VIDEO SKIPPED] is a much better recipe for success. LADWP for [TIMESTAMP 43.05 VIDEO  
8 SKIPPED] ... and they will send you five trees. I know this because I did it when I was in LA.  
9 [TIMESTAMP 43.10 VIDEO SKIPPED] ... away in the environmental arena from mandates and  
10 moving toward [TIMESTAMP 43.15 VIDEO SKIPPED] who wants it or in our park. Thank you very  
11 much.

12  
13 Chair Summa: Thank you so much. Next Speaker.

14  
15 John Kelley: [TIMESTAMP 43.20 VIDEO SKIPPED] Vice Chair Chang, Commissioners. I've been  
16 talking about trees ... [TIMESTAMP 43.24 VIDEO SKIPPED] enable to have with the urban  
17 forester recently, I think he's been very open to talking to us, but I want to make very clear that  
18 I think this is [TIMESTAMP 43.31 VIDEO SKIPPED] ... table this meeting tonight. Ask staff to  
19 engage more with the community, just as JP was suggesting, I think... [TIMESTAMP 43.43 VIDEO  
20 SKIPPED] and I think sometimes you have to get to the gravamen, the truth of the situation so

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1 please don't take offense but I want to state it as neutrally as I can. I think a lot of people who  
2 [TIMESTAMP 43.55 VIDEO SKIPPED] there was an ad hoc committee, from what I recall, there  
3 wasn't much of an attempt to engage people who are supportive of more housing in Palo Alto  
4 [TIMESTAMP 44.06 VIDEO SKIPPED] housing in Palo Alto, we need a more diverse community.  
5 Those people were not part of the process and so I think the urban forester, I think the City  
6 staff, I think the Commissioners are all acting in good faith, there's so much division in the  
7 world right now [TIMESTAMP 44.21 VIDEO SKIPPED] but I am pointing out that we got to the  
8 position where we are today through a process which I think is fundamentally flawed. And,  
9 there's some similarities between what is going on tonight and what's going on [TIMESTAMP  
10 44.36 VIDEO SKIPPED] ... and what's changed, ordinances are being tightened, that the City is  
11 pushing with a heavy hand on everything it can do to constrain housing production. Not least of  
12 which is the question about impact fees and how they affect ADUs, which I asked at the  
13 beginning of the meeting. So, I would suggest (interrupted)

14

15 Vice-Chair Summa: Mr. Kelley, excuse me very much. This is not a housing item that was  
16 Agendized, [TIMESTAMP 45.01 VIDEO SKIPPED] explained about ADUs and trees. So, if you  
17 could continue on use the rest of your time to talk about the tree ordinance that would be very  
18 helpful.

19

20 Mr. John Kelley: My remaining zero seconds, do I get some additional time?

- 
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Chair Summa: Sure, go ahead, take another minute.

Mr. John Kelley: Okay, I'm trying to put this in a [TIMESTAMP 45.24 VIDEO SKIPPED]... HCD, Canopy, and ADUs. Cost, Eric Filsa's (Phonetics) questions from roughly eighteen months ago remain unanswered, they're not answered by the staff report. HCD, the proposal that's before you will not address the concerns of HCD with regards to housing production or tree ordinance, I'm sorry, I've elaborated on my letter to you. Canopy, we should consider regional solution, we should consider a means by which [TIMESTAMP 45.55 VIDEO SKIPPED] does not stop at the border between Palo Alto and east Palo Alto. And lastly, ADU, respectfully, I disagree with the Assistant City Attorney, there should be no review by urban forestry of an ADU application, period, full stop. It is not a ministerial decision. Thank you.

Chair Summa: Thank you, next speaker please.

Ms. Dao: Next are two on zoom, first is Dashiell Leeds, if you can unmute yourself, you have three minutes.

Dashiell Leeds: (Audio started after commenter began) ... concerned about the changes proposed to this ordinance, the proposed edition of discretionary removal for large

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1 developments is concerning, we hope you don't add it. From my reading of it, it seems as if the  
2 language is saying that any tree can be removed during a large project, so long as that removal  
3 is deemed consistent with the Urban Forest Master Plan, or that the final project would result  
4 in net tree canopy increase on the property within 15 years. So it seems like the provision is  
5 telling large developers to cut down any tree you want so long as you tell us you'll have more  
6 trees in fifteen years, or that you'll be consistent with the goals of the Urban Forest Master  
7 Plan. So, with this provision it seems like in effect, in large developments, no tree will be safe  
8 and effectively no other provision of this ordinance applies to large developments. This seems  
9 like it would become the only provision that would be relevant for them. Another concern we  
10 have are changes to the allowable reasons for removal of a tree, particularly the changes to the  
11 definitions of protected trees. So, increasing the diameter thresholds, potentially eliminating  
12 one or more specific protected native species from the list, and updating the allowable reasons  
13 for removal are all concerning for us and could reduce the amount of protected trees. And  
14 lastly, the term structurally incompatible is a little concerning, it seems somewhat subjective  
15 and from the discussion tonight it seems that even a structurally sound tree could be removed  
16 just because it's oddly shaped and ultimately if a tree is not hazardous, it shouldn't be removed.  
17 So we hope this commission doesn't water down the ordinance, or we hope this commission  
18 doesn't recommend any provisions to water down the ordinance, and that you protect trees.  
19 Thank you.

20

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1 Chair Summa: Thank you, next speaker please.

2

3 Ms. Dao: Next is Winter Dellenbach.

4

5 Chair Summa: Go ahead Ms. Dellenbach.

6

7 Winter Dellenbach: Yes, I hope that you were able to review the slide deck that I sent you, that I  
8 emailed you. I'm going to go over a couple of things. I want to start off with the misperception  
9 that somehow there hasn't been public airing of this or enough review, this is the eleventh  
10 public meeting, Agendized, legally noticed that there has been on this new tree ordinance. It's  
11 the first changes we've done in the tree ordinance, it was done in twenty years. And this is the  
12 eleventh meeting about it. So, there has been plenty of chance for the public to have input.  
13 Secondly, I'm going to try go... to go over a few things. We have climate action goals that we're  
14 to meet in 2030 and one of them is to increase our canopy by forty percent, in the City of Palo  
15 Alto. And we are behind in doing that. We have to protect trees and plant more trees for  
16 climate action goals. We have a program through Canopy of planting 10,000 trees in ten years  
17 in south Palo Alto because of the inequity between north and south Palo Alto and the number  
18 of trees and those trees are free and anybody who wants one can have one. I think there was a  
19 speaker that was asking some similar program was needed. We have that program and it's  
20 been going for a couple of years. Also, it's important to remember that our big mature trees

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1 may contain ten tons of carbon sequestered or more, depending on the size and species. Some  
2 single trees can sequester the same amount of new carbon in a year, as might be contained in  
3 midsized trees. And we have to remain ... as the LA Times said in 2021, climate change is super  
4 charging California heat waves. Heat already kills more people in the US than hurricanes,  
5 tornadoes and other weather events combined. Also, I'm almost done. Scientists find that trees  
6 can lower air temperature in city neighborhoods by ten or more degrees, that's the NY Times,  
7 trees reduce electricity demand for air conditioning, sparing money and emissions, and  
8 carefully positioned trees can reduce a home's energy costs by twenty-five percent according to  
9 the US Department of Energy. Finally, proximity to urban trees is critical for interruption of  
10 climate change and for human health, U. C. Davis. Thank you, if we're going to be serious about  
11 climate change, we need to protect the trees we have and plant more, this is serious stuff.  
12 Thank you.

13

14 Chair Summa: Thank you, was that our last final ... our final speaker?

15

16 Ms. Dao: Yes, that concludes Public Comment.

17

18 Chair Summa: Awesome. I will bring it back to the Commission and I see a light from  
19 Commissioner Hechtman .

20

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1 Commissioner Hechtman: Thank you Chair, so, I've got a lot of questions, but I thought I'd wait  
2 to start them until after I heard the public comments, to see if any of the public commenters  
3 raised similar questions or answered questions. Chair because I have so many, when I get to  
4 about five minutes, will you just let me know and I'll just stop and pick up in a second round.  
5 Alright, thank you. So, the first question, three months ago or so, we had a project here as a  
6 single family home, I think it was the Los Trancos project and one of the issues that came up in  
7 our dialogue was some kind of oak disease, some threat to the trees on that property and I  
8 think Mr. Gollinger you maybe participated in that, and we ended up with a condition for, I  
9 can't remember .... When soil is brought to the property, right, it has to be clean or something  
10 and I expressed concerns at that meeting that this should be really done, not on an individual  
11 project basis, we should have a policy city-wide and so the first question is, is this... as we're  
12 looking at revisions to this ordinance, is this ordinance a good place to consider that kind of  
13 policy?

14

15 Mr. Gollinger, Urban Forester: I would think the better place for those kinds of guidelines  
16 would be in the tree technical manual, the tree and landscape technical manual that's  
17 forthcoming.

18

19 Commissioner Hechtman: Okay, is that being worked on by staff currently?

20

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1 Mr. Gollinger, Urban Forester: It is.

2

3 Commissioner Hechtman: Okay, and I'm sorry, remind me what was the name of that disease

4 or ...

5

6 Mr. Gollinger, Urban Forester: So I believe it's sudden oak death.

7

8 Commissioner Hechtman: Okay, is that something that you're ... staff is trying to build into the

9 manual?

10

11 Mr. Gollinger, Urban Forester: We do have a small section, we'd like to expand it but it is in

12 progress.

13

14 Commissioner Hechtman: Great. Okay. Alright, next question, the ordinance talks about

15 obtaining an urban forest tree removal permit, what is the cost for that permit, is it dependent

16 upon the size of the tree?

17

18 Mr. Gollinger, Urban Forester: No, a public works tree removal permit for a protected tree

19 removal is ... there's two costs associated with that. One would be, unless the tree is completely

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1 dead, you would need an arborist report, and then you would submit a fee when you do the  
2 application, I believe it's currently just under \$500 dollars.

3

4 Commissioner Hechtman: Plus the permit fee \$500 dollars, the arborist report, is that a ...  
5 there's probably a range of costs for that...

6

7 Mr. Gollinger, Urban Forester: There's range, it depends on the size of the tree and how much  
8 time it takes them to review.

9

10 Commissioner Hechtman: Okay, thank you. Alright, next question, let's see.... You don't need  
11 to go there, but one of the slides show that certain trees are protected based on the size of  
12 their diameter, so one group at 11.5 inches, one group at 18, one group at 15. Where did those  
13 particular figures come from and why did we select those, you showed us a slide earlier that  
14 different municipalities have used different, some smaller, some none larger than 18, from the  
15 slide.

16

17 Mr. Gollinger, Urban Forester: Correct. The 11.5 inches is what we were protecting nature oaks  
18 at under our old ordinance, and se we chose to maintain that for our native trees that we  
19 added. We kept them all at 11.5 inches. The fifteen inch mature tree, that was discussed at  
20 length, originally it was larger, than smaller, and that was kind of a compromise as to, we felt 12

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1 inches might be going a little too small, so fifteen was where we compromised. The 18 inches  
2 for redwoods has been in the ordinance since before the update.

3

4 Commissioner Hechtman: Okay, thank you. How am I doing on time Chair?

5

6 Chair Summa: You can keep going.

7

8 Commissioner Hechtman: Okay. So now I'm in the ordinance section of our staff report and  
9 have questions as I work my way from front to back. On Packet Page 16, definition of buildable  
10 area, definition number two, is necessary for construction and primary access and then the  
11 second sentence, to which a little bit has been added... on single family home parcels the  
12 portion of the parcel deemed to be the buildable area for primary access shall not exceed ten  
13 feet in width. So my question was, are we talking about a ten foot wide driveway? Is that what  
14 we're talking about?

15

16 Mr. Gollinger, Urban Forester: I believe we added that to be, to conform with other definitions  
17 of that elsewhere in the ordinance.

18

19 Commissioner Hechtman: Okay, for example my house has two car garage, and it has a  
20 driveway that's twenty feet wide, I think, because that's the standard width of a two car

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1 garage. So, I'm concerned that this is a constraint because I think it's saying that the .... Well I  
2 don't understand how I need a twenty foot driveway but only ten foot is considered buildable  
3 area, so I think that should be looked at. Alright. One more and then I'll pass it on, and this is  
4 the top of Page 17, so it's the definition of dripline area. So... the dripline here is defined as  
5 either the outer edge of the canopy, which of course when the rain falls, that's literally where  
6 the line of drips happens, or it's ten times the diameter of the trunk, fifty-four inches up,  
7 whichever is greater. Why do we need that second part? Why isn't the dripline the actual  
8 dripline?

9

10 Mr. Gollinger, Urban Forester: Because some trees such as redwoods and other conical trees  
11 do not have a very wide dripline, yet their critical root zone would extend out farther. So...

12

13 Commissioner Hechtman: Okay, there are other ... that's very helpful. I guess I'm going to  
14 suggest that perhaps we should be a little more specific, again, because I don't know how the...  
15 unintended consequences... I don't know how the numbers play out here. So, we need to  
16 protect the place where the water comes down to the redwood, but we don't want to ... you  
17 know, an oak for example, if using these numbers is going to push it out you know in all  
18 directions ten feet past where the roots are, that's not really what we're trying to do. And so I  
19 would suggest that maybe we can look at that and make that second part applicable to those

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1 trees where the root structure extends past ... naturally extends past the canopy. That's just a  
2 suggestion. Alright, I'm going to leave it there and come back with another round.

3

4 Chair Summa: Commissioner Akin.

5

6 Commissioner Akin: Thank you Chair. So I'm very supportive of the intent here, so the concerns  
7 I'm going to express are not necessarily mine personally, but they are important. This is related  
8 to whether the protected tree ordinance constitutes a constraint on housing production. So I  
9 went back to read the HCD response letters and of course they called us out explicitly in several  
10 places and many of their comments were prompted by Palo Alto Forwards public comments so  
11 I went back to read those as well. And I'm curious as to whether you went back through those  
12 materials in order to have an explicit response to each of the issues that were raised there. I  
13 noted for example that Palo Alto Forwards estimate for reproduction cost is about somewhere  
14 between a factor 5 and 10 higher than you described to us just a few minutes ago. So, there  
15 may be disconnect there, but at least there needs to be a response to the concerns that were  
16 brought up. Looking at the potential additions here, I see somethings that might have been  
17 intended to address those but I wondered did you go through them all and make sure they  
18 were all covered.

19

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1 Mr. Gollinger, Urban Forester: No, I haven't been through all of those, we did have a meeting  
2 with Planning and Development management and they included some of those proposed  
3 changes for those projects of four more units, we did create an exemption for ADUs, so any  
4 table in ADUs are not required to comply with the majority of the ordinance, so they're exempt  
5 from needing a tree preservation report, we're only asking them to disclose trees and that's it.

6  
7 Commissioner Akin: I hesitate to speak for the other groups but I think there was a lot of  
8 concern about multifamily construction, so that case may be the most important. Related to  
9 that, how are preservation ordinance is inconsistent with what our neighboring cities are  
10 specifying, so have they had similar comments from HCD, regarding whether their Urban Forest  
11 rules constitute a constraint on production? This may be a question for other staff, I don't  
12 know.

13  
14 Ms. French: I'm not aware of what Mountain View has received concerning jurisdictions, but we  
15 can certainly look into that and be aware of that for next opportunity.

16  
17 Commissioner Akin: Yeah, it might be nice to know, do we have a principled response to the  
18 concerns that have been raised. Thank you.

19  
20 Chair Summa: Thank you very much. Commissioner [Vice Chair] Chang.

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1

2 Vice Chair Chang: Yes, so I had some questions about the 25% rule being added to you know, as  
3 referred to on packet page 9, and so I just wanted to look, because we're now adding the 25%  
4 rule to single family and RMD, et cetera, but I wanted to ask what this twice the reproduction  
5 cost or ten percent of the project valuation means and the context of say a single family home.  
6 In other words, for a big development, like having an architect review the plans and modify  
7 them a little bit, might not make that much difference in the total project costs but for a single  
8 family home, having to redo things for a tree, might result in an entirely... like a brand new  
9 redesign, and having just gone through a remodel myself, I know that these things can get quite  
10 expensive, similarly if there's a change, it's really hard to get that quoted out, like I couldn't  
11 even get contractors to respond to me, so, it's like contact 40, 5 respond. And so I'm wondering  
12 in this situation, what thought practically ... what documentation is required? Like I think it's a  
13 really nice idea, but I'm wondering, and I had a concern, just for all the low density housing,  
14 single family home, you know, be smaller parcels with a big tree on them, like practically ... this  
15 is not very feasible for a homeowner to do, so I wanted... do you ... was there any thought given  
16 to what that means in terms of documentation?

17

18 Mr. Gollinger, Urban Forester: So, regarding the application of those exemptions, what we've  
19 encountered is generally the builder and the arborist discuss options and then explain why  
20 those options aren't feasible. We haven't encountered a specific example where they've

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1 needed to provide the actual cost. What's happened is, they'll get together and say we'll we  
2 could do this but, this would save the tree, but it's not practical because X, Y and Z, and so once  
3 they explain that they've gone through all the potential options, then that's good enough to  
4 satisfy us in those instances. We haven't come across one where we've said ... you know, we  
5 need to see the numbers.

6

7 Vice Chair Chang: So, I guess now that we're expanding it to like a whole different... I think... I  
8 like the idea in principle, I like making clear what this is, but by putting such specific numbers in  
9 here, it sort of makes it seem as if this shouldn't .... This is more than just a conversation, so I  
10 want... that's just some feedback. I'm not quite sure how to solve it. The other piece that I  
11 wonder about is this creates just a bizarre kind of moral hazard ... like problem... where  
12 somebody is like we'll there's a giant tree in my lot, I could design around it, I could, but if I just  
13 go ahead and do my design expecting that it's going to be torn down... like I can create a  
14 situation where it would be more than ten percent of the cost of the project and therefore I can  
15 take my tree down, and so that's just another thing that I want to be... you know, I don't....  
16 That's assuming nefarious purposes by a property ... nefarious goals of a property owner but  
17 having it all laid out like this and kind of thinking about how much my architect costs as a  
18 percentage of the cost of my house, it's not hard to get to ten percent. So, that's just feedback,  
19 again. That's it for now, I'm sure I'll have more.

20

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1 Chair Summa: Commissioner Lu.

2

3 Commissioner Lu: Thank you. I have a few questions around fees and penalties, really just trying  
4 to think about when this becomes an impediment to housing, so on page 22, part... kind of like  
5 bullet A in the middle, it talks about once a tree is removed there could be replacement trees  
6 [TIMESTAMP 1:07 VIDEO SKIPPED] ... on what those in lieu of fees might actually look like  
7 and/or the combination of those have actually looked like in recent projects.

8

9 Mr. Gollinger, Urban Forester: Yes, so if a project is required [TIMESTAMP 1:08 VIDEO  
10 SKIPPED]... other two trees with in-lieu fees. Our in lieu fees are currently calculated at \$650  
11 dollars for one 24" boxed tree, and that is [TIMESTAMP 1:08 VIDEO SKIPPED] ... a street tree,  
12 and that is currently where we are, that includes water for the first two years, it's the whole  
13 thing. We re-evaluate that every about every five years.

14

15 Commissioner Lu: [TIMESTAMP 1:08 VIDEO SKIPPED] and charge an ultimately reasonable in  
16 lieu fee that's not going to be in the tens of thousands of dollars.

17

18 Mr. Gollinger, Urban Forester: Correct. Now if it's a very large project and they ended up  
19 needing twenty replacement trees but they could only plant five, then it's going to be a little  
20 more expensive but it's still ... it's per 24" boxed trees, so there's no scale to that.

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Commissioner Lu: Or maybe it was 26, or there was administrative penalties; and I guess some level of discretionary penalties, can you talk a little bit about what that has actually looked like in practice.

Mr. Gollinger, Urban Forester: So, we still have not [TIMESTAMP 1:09 VIDEO SKIPPED]... make we've had updates to the administrative penalty, it's ready to go, it just hasn't ever made it to Council. So, it would be more in line with what's in the ordinance as opposed to... right now our administrative penalty ...

Chair Summa: [TIMESTAMP 1:09 VIDEO SKIPPED] administrative penalty list is one list of all the penalties and it gets updated all at one time.

Mr. Gollinger, Urban Forester: Correct. And these would be penalties that would be assessed by City staff with the issuance of a violation notice.

Commissioner Lu: Okay. Ball park range of what the fee is, or where it might range, or where it might land because if the fee is just proportionately impactful [TIMESTAMP 1:09 VIDEO SKIPPED]

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1 Mr. Yang: I can jump in and briefly here, so there's two different things we're talking about  
2 here, one is administrative penalties [TIMESTAMP 1:10 VIDEO SKIPPED] per day because each  
3 day can be considered a separate violation until something is cured, that's where there some  
4 discretion that falls on staff of whether to apply something on a daily penalty or as a single  
5 penalty per occurrence. And then [TIMESTAMP 1:10 VIDEO SKIPPED] can seek from a court, in  
6 the event that we have to take someone to court under this ordinance. But those civil penalties  
7 are different than what we would do just issuing citations.

8  
9 Commissioner Lu: Okay, got it. That's helpful context. Can you also talk a little bit about the  
10 thirty... potential thirty-six month moratorium and how that [TIMESTAMP 1:10 VIDEO SKIPPED]

11  
12 Mr. Gollinger, Urban Forester: ... outside of development and most commonly let's say the  
13 reason for removal was damage to foundation or eaves of an existing residence, we would  
14 definitely want to impose the moratorium at that point because we wouldn't want someone to  
15 remove a tree because it's damaging an existing house and then completely remove the house  
16 that it was damaging. So, basically, they use that as a reason for removal but then chose to  
17 completely remodel the house in which the tree would have survived if they would have built  
18 around the tree. So, that's primarily what it's there for. It would also be applied in issues, or  
19 scenarios where trees are dead, and they might be dead due to neglect. So, people would  
20 previously under the old ordinance, people would purposely stop watering their trees, the trees

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1 would die, they would remove them, and then they would file for a permit. So, this is intended  
2 to not penalize people but prevent them from taking advantage of that.

3  
4 Commissioner Lu: Okay, I can see how in practice it could become a nontrivial penalty though,  
5 so do we typically say just thirty-six months is standard or do we usually give much lighter  
6 moratoriums?

7  
8 Mr. Gollinger, Urban Forester: Currently we've only been issuing thirty-six month, there is  
9 room for ... there is room for changing that, right now we do have a method for removal, if they  
10 seek removal, we examine the situation and suggest some additional mitigation measures that  
11 would allow them to remove it. That would mean planting of more trees.

12  
13 Commissioner Lu: Okay. Maybe a couple of more questions, this one is potentially for the City  
14 Attorney. On Packet Page 21.C there's a discussion about subdivision of land into two lots and  
15 how you could remove trees for access purposes. Some elaboration of that would be great, but  
16 I'd also be curious about how that works with SB 9 and State Laws that fast track or otherwise  
17 accelerate lot splits. Yeah, on 21, middle of the page there's bullet C and then there's bullet 1  
18 talking about how removal is acceptable if it restricts access to the property.

19

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1 Mr. Yang: Yeah, so, if you have a piece of land and you are subdividing it, and you know to  
2 develop two or more individual parcels, and just due to the shape of the parcel... of the lots,  
3 you know, the only usable place to put a driveway or private street or something would require  
4 removal of a tree, you know, this would be an acceptable reason for removal. I don't think we  
5 have encountered this in terms of SB 9 yet, but I think it would be a similar analysis would take  
6 place, is if the lot split that's being proposed, you know you have a flag pole for a rear lot or  
7 something like that and necessarily would require removal of the tree then we would allow  
8 removal of that tree.

9

10 Commissioner Lu: Okay. Yeah, it seems like there are many ways that trees could restrict access  
11 on a lot split, like even if it's just in the middle of the fence, sometimes you could possible built  
12 the fence around it, other times you can say that's kind of inconvenient for this lost split, or if  
13 it's kind of restricting access for this fence or something, would you still consider maybe  
14 marginal cases like that as restricting access?

15

16 Mr. Yang: So I think when this ordinance refers to access, restrictive access, we're talking about  
17 a driveway, or an entrance ... the ability to get to the property. So, something like fence  
18 placement wouldn't factor in.

19

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1 Commissioner Lu: And my last question is... I guess the language for ADUs is not in this  
2 ordinance but can you give a quick update on how sweeping that is, is that just a blanket  
3 statement that ADUs are generally able to remove protected trees without replacement in lieu  
4 or anything like that?

5

6 Mr. Yang: Yeah, so that language was added into Chapter 18.09 and ... let's see... I just need to  
7 find it... So there are two sets of ADUs that we address in Chapter 18.09, one is the sort of State  
8 mandated ministerial approval ADU, and for those ADUs all that we require is a tree disclosure  
9 statement. So, just a statement telling us what trees are on the property [TIMESTAMP 1:16  
10 VIDEO SKIPPED].. the property owner to fill out that statement where normally we would  
11 require an arborist. So for an ADU, a property owner could just make a note of what are the  
12 trees that are on the property, how large they are, et cetera. For larger ADUs that aren't in  
13 compliance with the tree ordinance, so if you're trying to build a 1,000 square foot ADU as  
14 opposed to an 800 square foot ADU, you would need to show us that [TIMESTAMP 1:17 VIDEO  
15 SKIPPED]

16

17 Commissioner Lu: Good answers.

18

19 Chair Summa: Thank you. Commissioner Templeton.

20

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1 Commissioner Templeton: Thank you very much. So, I appreciate all the comments that my  
2 fellow commissioners have made, I do appreciate the [TIMESTAMP 1:17 VIDEO SKIPPED]. I also  
3 think you're new email alias is adorable: [trees@cityofPaloAlto.org](mailto:trees@cityofPaloAlto.org). For anyone who wants to  
4 write about trees. Good comments to consider. It is new and therefore imperfect and so we're  
5 going to do our best to [TIMESTAMP 1:18 VIDEO SKIPPED]... but as Mr. Leeds from the Sierra  
6 Club representatives said, they're [TIMESTAMP 1:18 VIDEO SKIPPED]... to open it but it's  
7 imprecise in a way that's going to make it hard to [TIMESTAMP 1:18 VIDEO SKIPPED]... 8.04.50  
8 and answer ... partly answer my own question [TIMESTAMP 1:18 VIDEO SKIPPED] ... and that's  
9 why this is misleading, this subpoint "I" on page, at the top of page 20. Because it doesn't allow  
10 hazardous or [TIMESTAMP 1:18 VIDEO SKIPPED]... our other public commenter Ms. Russin came  
11 in, right? She had a private nuisance and a private hazard on her property that was not remedy-  
12 able [TIMESTAMP 1:18 VIDEO SKIPPED]... option, and I think about that for other people who  
13 are not trying to remove, who are not gaming the system as Vice Chair Chang said. They're just  
14 trying to figure out how to [TIMESTAMP 1:19 VIDEO SKIPPED]... from this part, number 1 needs  
15 another bullet and the bullet needs to talk about private nuisances as well, or exceptions for  
16 [TIMESTAMP 1:19 VIDEO SKIPPED]... we want to have the flexibility to keep this intent going  
17 without causing people to be frustrated, or unsafe in their own homes. So, I think, it's not a  
18 small piece of feedback, and I don't think we can craft it for you here, but I encourage you and  
19 the City to think about the personal impact here. We're not talking infrastructure, we're talking  
20 houses, we're talking women holding their babies [TIMESTAMP 1:19 VIDEO SKIPPED]... recently

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1 here about a tree breaking in a tennis court while school is being let out. That could have gone  
2 really bad. So, we want to have the flexibility to have public safety and private safety to be a  
3 consideration. So, the other... on the other side of the coin [TIMESTAMP 1:20 VIDEO SKIPPED] ...  
4 is going to horrify you guys I'm worried, but any dead disease infested or dying tree in any  
5 street. Does that... I assume that includes the whole property if it's on a street in Palo Alto,  
6 dead and diseased, infested... Every oak tree in Palo Alto is infested with those moth larvae.  
7 Those are the poisonous caterpillars that cause the rash. Are they eligible? They are according  
8 to this. The way it's written, has a huge loophole. As you mentioned before, I could take my  
9 very healthy beautiful fir tree in my back yard [TIMESTAMP 1:20 VIDEO SKIPPED]... too. We've  
10 got wires holding those trunks together, but it could be taken down for those reasons too,  
11 because of the way it's currently worded. So that is tough feedback, but if we really... if our  
12 intention is to protect trees, we have to be more specific.

13

14 Mr. Gollinger, Urban Forester: That might be referencing public trees only.

15

16 Commissioner Templeton: Okay, if it is, we are missing an entire thing about how to treat  
17 private property.

18

19 Mr. Gollinger, Urban Forester: Understood.

20

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1 Commissioner Templeton: Even though we're trying to enforce it on private property. Which  
2 is the issue that was brought up by our public commenter. So it's tough, we want to take what  
3 we've already written and try to apply it more broadly, but there's some dangers in doing that.  
4 Okay, so, the other thing... let's see if I can find it... it was something Mr. Leeds said.... It will  
5 come to me later. I'll stop here for now, if we were voting and we didn't have something to  
6 address these matters of how to treat trees on private property and covering these loopholes in  
7 a compassionate, fair way that maintains... you know, promotes our canopy, I wouldn't be

8 [TIMESTAMP 1:22 VIDEO SKIPPED]

9

10 Chair Summa: Commissioner Reckdahl.

11

12 Commissioner Reckdahl: Can you talk about your GIS data that you used to measure the  
13 canopy?

14

15 Mr. Gollinger, Urban Forester: So, yes, we recently acquired the canopy module for  
16 TreePlotter, so TreePlotter is one of our tree inventory softwares that we use, it's shared with  
17 Canopy and has a public interface, and it uses satellite data and spectral imagery to calculate  
18 the canopy percentage based on neighborhoods all the way down to Parcels [TIMESTAMP 1:22

19 VIDEO SKIPPED]

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1 Commissioner Reckdahl: [TIMESTAMP 1:22 VIDEO SKIPPED] in the loop.

2

3 Mr. Gollinger, Urban Forester: It give you actual visual data overlay for the whole city but it  
4 doesn't isolate individual trunks. So, it doesn't identify individual trees, it gives you an overall  
5 picture of the canopy.

6

7 Commissioner Reckdahl: Okay, so you know, the area that's covered by canopy [TIMESTAMP  
8 1:23 VIDEO SKIPPED] how many trees it is.

9

10 Mr. Gollinger, Urban Forester: Correct.

11

12 Commissioner Reckdahl: And then... like on slide 18, where it gives all these number, are these  
13 numbers from GIS? Notice on top it says several different calculation methods.

14

15 Mr. Gollinger, Urban Forester: Correct. So, there is a ... it's referenced on the report, so, Greg  
16 McPherson wrote an excellent paper in 2017 and it gave multiple methods for calculating the  
17 total number of trees within any given urban environment, and so we took several different  
18 calculation methods that were in included in there, applied them to our data and came up with  
19 this as our best estimate for how many trees were in the city.

20

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1 Commissioner Reckdahl: So this is starting with GIS data?

2

3 Mr. Gollinger, Urban Forester: No, this started with actual inventory data collected from  
4 development projects.

5

6 Commissioner Reckdahl: Okay.

7

8 Mr. Gollinger, Urban Forester: So we went through and pulled the inventory data that was  
9 supplied to us over several years of projects.

10

11 Commissioner Reckdahl: So how accurate are the numbers on slide 18? Ten percent or is it plus  
12 or minus fifty percent?

13

14 Mr. Gollinger, Urban Forester: I don't think it's quite that far off... there is definitely some room  
15 for error, but I wouldn't be able to give you an exact percentage, I'd have to go back and look at  
16 how ran the calculations.

17

18 Commissioner Reckdahl: Just curious. One of the callers mentioned about the climate action  
19 goal of increasing the canopy by forty percent.

20

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1 Mr. Gollinger, Urban Forester: It was not increasing by forty percent, it was increasing to forty  
2 percent coverage by 2030.

3

4 Commissioner Reckdahl: Okay, and what is the current coverage?

5

6 Mr. Gollinger, Urban Forester: I'd have to look, we're in the low 30's. Probably like 32.

7

8 Commissioner Reckdahl: That's still a pretty big increase, is that feasible?

9

10 Mr. Gollinger, Urban Forester: It's going to be difficult. We were making some good progress  
11 and I think we've kind of back slid in recent years. I have to dive in and do a little culture dig  
12 with the data, we've only recently gained access to this data in the last few weeks, so we  
13 haven't really had time to crunch the numbers.

14

15 Commissioner Reckdahl: Most of the canopy growth, do you think it's been private land or on  
16 public land?

17

18 Mr. Gollinger, Urban Forester: So, it's a mixture of both, again, we haven't really gotten a  
19 chance to analyze the data yet, we're mostly validating and making sure the numbers are  
20 accurate, but overall it looks like where we've lost canopy on the couple samples we've taken,

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1 or places where we've had development projects, and there are more trees coming, but we  
2 know that there were projects five years ago and see where are, if we're increasing in those  
3 areas. Again, this is something that's going to take us time to dive into, when we really haven't  
4 had the chance to analyze it yet.

5

6 Commissioner Reckdahl: So, if someone pays an in lieu fee to remove a tree, we take that  
7 money... you mentioned street trees... is that typically where we plant those?

8

9 Mr. Gollinger, Urban Forester: Correct. That's how the fee is calculated. So it goes into our  
10 forestry fund and the forestry fund is used by staff to plant trees, and it's also used to contract  
11 out planting of trees. Canopy does some tree planting for us, previously we've done some tree  
12 planting with some of our other contractors as well. We don't currently have another contract  
13 right now.

14

15 Commissioner Reckdahl: Do we have any programs to plant trees that aren't funded by that in  
16 lieu fees, in addition to that?

17

18 Mr. Gollinger, Urban Forester: Our regular Street Tree program just replaces trees as they're  
19 removed and we have vacancies, that's just an internal ... we're trying to keep our vacancy  
20 number low in terms of planting sites.

- 
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Commissioner Reckdahl: So, there, we're just kind of treading water though. Because we're just replacing trees that die and then replace it.

Mr. Gollinger, Urban Forester: Correct.

Commissioner Reckdahl: So, if we're trying to grow the canopy, we'll have to find new locations.

Mr. Gollinger, Urban Forester: Correct.

Commissioner Reckdahl: And will that be in parks, or in open space or what would be...

Mr. Gollinger, Urban Forester: Primarily it would be on private property at this point, we do have some public right of way that could be planted. A lot of the places where we don't have trees planted are due to underground infrastructure or other issues where we've had unsuccessful plantings in the past and so we need to regroup and find out why three trees have failed in one location... it's probably a soil issue. But, as far as parks go, our parks need to have open spaces as well as plantings so it's a delicate balance with whether or not we have room for a substantial amount of trees in our parks, and we work with our parks group, they're a

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1 great partner with us and they help us identify new planting locations, but I don't know if we  
2 have room for large quantity more trees.

3

4 Commissioner Reckdahl: Yeah, I would think if we're trying to increase from 32 up to 40,  
5 that's... we're going to have to find a lot of spaces. Okay, also, on slide 14, which is the  
6 nonresidential projects, can you talk about this change? On slide 14.

7

8 Mr. Gollinger, Urban Forester: Yeah, so this is an attempt to capture a discretion that has been  
9 exercised (interrupted)

10

11 Vice Chair Chang: Can you just pull it up for us so we can also see slide 14?

12

13 Mr. Gollinger, Urban Forester: Yup. So, these would be projects that would go through the  
14 discretionary approval process and we were always under the impression that ... yeah, 14; and  
15 during the preparation for the '22 update to the ordinance, this was discussed multiple times  
16 and we felt that the discretion required to review and approve larger projects was included in  
17 Title 18. After the ordinance was passed and we had some additional questions and concerns  
18 we took a deeper dive into Title 18, and it was not explicitly granted, the discretion that we had  
19 been using on these types of projects. So this is an attempt to capture that.

20

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1 Commissioner Reckdahl: Okay. So we're not changing policy, we're just ...

2

3 Mr. Gollinger, Urban Forester: We're trying to codify it.

4

5 Commissioner Reckdahl: Okay. And, do you have any concerns about this, one of the callers  
6 mentioned this.

7

8 Mr. Gollinger, Urban Forester: Again, this is something that we've done in the past when we  
9 review a project, it has to make sense. We're not going to sign off on a whole sale removal of  
10 trees, but if removing a few select trees and replanting them makes sense in the long term,  
11 that's what this is here for; maybe those few select trees wouldn't qualify under other portions  
12 of the ordinance, but because it's a large discretionary project that's going through that whole  
13 long planning approval process, we felt that discretion was included in Title 18, but we  
14 discovered that it wasn't. So, this is an attempt to capture that.

15

16 Commissioner Reckdahl: Okay, now this slide says that nonresidential projects, would ...

17

18 Mr. Gollinger, Urban Forester: This would include probably large multifamily projects. It would  
19 be non R-1, R-2, anything not single family.

20

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1 Commissioner Reckdahl: Okay, so if I'm building a big apartment complex and there's a  
2 protected tree there, I can go through the discretionary process, get that removed to build a  
3 larger apartment complex (interrupted) and plant additional trees (crosstalk)

4  
5 Mr. Gollinger, Urban Forester: It would be considered. (crosstalk) Depending on the final  
6 outcome of the project that would be considered, yes.

7  
8 Commissioner Reckdahl: Okay. I mean ... we're talking about the HCD, I would want to make  
9 that clear to HCD... the fact that a protected tree will not prevent you from building  
10 (interrupted)

11  
12 Mr. Gollinger, Urban Forester: Correct, and that's partly... we had been operating under those  
13 parameters previously but it wasn't captured, so this an attempt to capture that. There is some  
14 flexibility when we're going through that long discretionary planning approval process... we  
15 don't... depending on the project.

16  
17 Commissioner Reckdahl: Okay. I want to talk about exceptions. The exceptions talk about  
18 damage to houses or eaves, what about driveways?

19

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1 Mr. Gollinger, Urban Forester: We currently do not allow removal of protected trees for  
2 damage to a driveway.

3

4 Commissioner Reckdah! Yeah see, I had a tree that when under my fence [TIMESTAMP 1:31  
5 VIDEO SKIPPED] to get out, and I would have felt like a terrible neighbor, it just did a number on  
6 her driveway and it seems that would be a reasonable spot to take a tree out and replant  
7 something but take it out.

8

9 Mr. Gollinger, Urban Forester: It's possible that our proposed [TIMESTAMP 1:31 VIDEO  
10 SKIPPED]

11

12 Commissioner Reckdah! The thing about exceptions is if you had them out left right and center  
13 then you ...

14

15 Mr. Gollinger, Urban Forester: Correct

16

17 Commissioner Reckdah! You don't have an ordinance anymore.

18

19 Mr. Gollinger, Urban Forester: And that's why it was previously limited to the foundation or  
20 eaves of a residence.

- 
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Commissioner Reckdahl: But yet I would have felt like a terrible neighbor [TIMESTAMP 1:32 VIDEO SKIPPED] ... Commissioner Templeton talked about sap dropping on your patio, that's ... there's no exception that would allow you to take that? Or would that also be incompatible to your surroundings.

Mr. Gollinger, Urban Forester: It doesn't meet any of the qualifications currently for removal.

Commissioner Templeton: (MIC OFF)

Mr. Gollinger, Urban Forester: The light. I have A4 in front of me, because I only printed out A10, so, my apologies.

Commissioner Reckdahl: For me it's a quality of life issue, if I walked down a shady street my life is a lot more enjoyable, my walk is a lot more enjoyable [TIMESTAMP 1:32 VIDEO SKIPPED]... if I'm a citizen with a quality of life of the city, it'd be different if you were cutting down this tree and just concreting it over, but if you're going to say... oh, I want to cut down this tree, it's incompatible... the whole [TIMESTAMP 1:33 VIDEO SKIPPED] ... to replace that, that's to me seems like a reasonable approach, it helps the persons quality of life but yet in the long run doesn't defect the neighbors.

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Mr. Gollinger, Urban Forester: Well, that was actually brought up in the Parks and Rec meeting as well, was that we consider [TIMESTAMP 1:33 VIDEO SKIPPED] ... dripline but that is something we're considering.

Commissioner Reckdah!: Okay, I would recommend that you look... because I think this has to evolve and I think that's one area where it could evolve. [TIMESTAMP 1:33 VIDEO SKIPPED]

Mr. Gollinger, Urban Forester: [TIMESTAMP 1:33 VIDEO SKIPPED] ... folks to address those without writing a blank check for every removal. That's been what we're trying to accomplish.

Commissioner Reckdah!: Okay, thank you.

Chair Summa: [TIMESTAMP 1:33 VIDEO SKIPPED]... what I think is a very measured and thoughtful update to our tree ordinance which was way over twenty years, it was twenty-seven years or something since it was updated and we [TIMESTAMP 1:33 VIDEO SKIPPED] ... quite understand why the nuisance only pertains to [TIMESTAMP 1:34 VIDEO SKIPPED]... that way. So, I'm not quite sure what the... where the problem in the code is but if that's actually [TIMESTAMP 1:34 VIDEO SKIPPED] ... that we had trees fall in those catastrophic storms, and I agree that we'll have more of those kinds of storms, sometimes even a healthy tree is going to

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1 fall under those kinds of conditions so we can't eliminate all the risk, but we do know  
2 [TIMESTAMP 1:34 VIDEO SKIPPED] ... staff made since a year ago were to broaden the removal  
3 [TIMESTAMP 1:34 VIDEO SKIPPED] to far and we should back that up. I think this hits a good  
4 middle ground, not that some of the suggestions of my colleagues [TIMESTAMP 1:34 VIDEO  
5 SKIPPED]... with the old ordinance could be removed. I think it is entirely... it's a huge  
6 [TIMESTAMP 1:34 VIDEO SKIPPED] ... protecting and emphasizing the benefits of native trees  
7 over exotics really does. I think to the [TIMESTAMP 1:34 VIDEO SKIPPED] Quercus Agrifolia  
8 some years that happens and everybody's tree in the area has those moths. [TIMESTAMP 1:35  
9 VIDEO SKIPPED] Quercus Agrifolia is much smaller so... but you know, there's times when you  
10 can't walk through Stanford Campus because they're all over you. I don't think we can  
11 [TIMESTAMP 1:35 VIDEO SKIPPED] because the parameters of our tree ordinance. In general,  
12 and I think Commissioner Akin made a very good comment, we have not really [TIMESTAMP  
13 1:35 VIDEO SKIPPED]... ordinance of any of the cities around us, it's kind of in the middle and as  
14 someone who worked at [TIMESTAMP 1:35 VIDEO SKIPPED] ... all of the cities, if the HCD letter  
15 is [TIMESTAMP 1:35 VIDEO SKIPPED] ... City Attorney adequately explained that you can't just  
16 [TIMESTAMP 1:35 VIDEO SKIPPED] ... a property but there's an overriding law in the State Law  
17 about ADUs [TIMESTAMP 1:35 VIDEO SKIPPED]... I am convinced that beyond the concerns that  
18 you're heard from Parks and Rec and us tonight that you've got this right [TIMESTAMP 1:36  
19 VIDEO SKIPPED] ... further clarified in our tree ordinance. I think that [TIMESTAMP 1:36 VIDEO  
20 SKIPPED] ... further polarizes information in an unscientific and not very practical manner

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1 [TIMESTAMP 1:36 VIDEO SKIPPED]... coming and will be mostly successful and if there are  
2 tweaks you need to make after hearing all our concerns, then I think you should make them.  
3 I'm not sure that it will come back to this body because that... the process was a little unclear.  
4 So anything you want to say, you should definitely [TIMESTAMP 1:36 VIDEO SKIPPED] ... and I  
5 am fully supportive with any changes that need to be made and with that I will go to  
6 Commissioner [Vice Chair] Chang.

7

8 Vice Chair Chang: Thank you. Yeah, I also want to echo, that this... the work that's been done, I  
9 really appreciate all the work that staff has done and how carefully staff has listened to  
10 feedback, gathered the data and tried to address that feedback. In line with what surrounding  
11 cities have done, it's not ... I think it brings us up to par with other cities without it, we would  
12 actually look terrible. It's kind of an embarrassment and a stain on our "tree city USA" to have  
13 an ordinance that was doing... like when you really examine it, such a shotty job of protecting  
14 trees compared to every surrounding municipality. My heart goes out to our public commenter  
15 who experienced [TIMESTAMP 1:37 VIDEO SKIPPED] ... large trees around, is that they fall. I  
16 have a friend who also, because of the crazy storms last year, had a tree fall in Tahoe on her  
17 home. So the only way ... and they are all healthy trees that are falling. But that's because it's  
18 such a rare storm and yes they are going to [TIMESTAMP 1:38 VIDEO SKIPPED] ... large trees  
19 that can fall and I don't think that's what we want. And so, I don't ... it's also why tree falling is  
20 insured by homeowners insurance, that's why fires... you can't have homes without having the

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1 risk of fires that will burn [TIMESTAMP 1:38 VIDEO SKIPPED] ... address those problems instead  
2 of address climate change more broadly, and I think that our trees, having them actually on  
3 balance, helps the problem. And so, I do think that we need to do some tweaks, because if the  
4 City had deemed that they were public nuisances for which trees need to be taken down, there  
5 are most certainly private nuisances, so we need to tweak there. I would look to surrounding  
6 cities for what they do, because they may have... we don't have to reinvent the wheel, there  
7 may be things that work quite well, it might be not as complicated a problem as we might think,  
8 to ... you know.... I think we should look around and copy heavily, if we think it would solve our  
9 problems. And then, as I looked at sort of the number... it's only been in place for a year. In that  
10 year we had a ... like hundred year storms come in, so I think it would be rash to do much more  
11 than what staff has put in place aside from the various comments that we've all commented  
12 on. I would like... if you look at 225,000 protected trees and we've had how many fall down on  
13 a house, I think that our ordinance ... Like we're doing pretty good here. It's really phenomenal  
14 actually, and to me actually is a sign that we... that our ... that we've done a pretty good job  
15 taking care of our trees and that we need to continue taking care of our trees so that they don't  
16 fall down, and that our tree ordinance is probably right that... because there are lots of trees  
17 that went down and the fact that we had so little damage to homes is actually good. And then  
18 ... it's evidence of how good our ordinance is actually. And then finally, let me see, I'm reading  
19 my notes here... oh, I was really pleased about the codification of the current practices because  
20 I'm hoping that that does address some HCD concerns. Yeah again, I think we... today when

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1 everything is such a lightening rod for polarization, I think we need to take things at face value.  
2 This tree ordinance brings us up to par with surrounding municipalities, it's not... there's  
3 nothing nefarious about it. And so, I'm really pleased ... like... we have a way to take down trees  
4 that are a problem, making it explicit the 25% rule for smaller lots is good, and so I think we're  
5 ... this is in the right direction, we just need to tweak it here and there. Thank you.

6

7 Chair Summa: Commissioner Templeton.

8

9 Commissioner Templeton: Thank you, I have just a couple of quick follow ups [TIMESTAMP  
10 1:41 VIDEO SKIPPED] ... absolutely you know, it does come and go but I just don't want it to be  
11 exploited if somebody has a, one year, has a random bad infestation of the caterpillars it's not  
12 an excuse to take your oak tree down. It is an act of God, right, in that way, but it's also  
13 exploitive, I think that was my main point. Insurance, Vice Chair Chang mentioned insurance.  
14 You know, you mention fire insurance, many of the major carriers have stopped insuring homes  
15 in fire zones for that. And I think that was the point of bringing it up tonight is, is that going to  
16 happen to us because we are some how making ourselves more prone to tree damage on our  
17 property's by being super super tree ... pro tree, which we are in this city. I don't know how to  
18 look at that, except to understand who has the liability. So, if the city refuses to let a tree be  
19 removed and something happens to someone's property, who's liable? Right. That's a question  
20 that we have to think about as a city in terms of how restrictive we are.

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Chair Summa: Yeah, and also there is an appeal process about tree decisions, which is just our standard appeal process, we didn't really talk about that, but I thought it was a good time to interject.

Commissioner Templeton: Yeah absolutely, thank you for that. The ... whether or not we've had significant or minimal amount of damage to homes last year, I'm not sure I've seen that data, the anecdotal data I've seen was ... everybody I knew in Palo Alto was posting pictures of some kind of tree damage... on their fence, on their car, on their ... can't get in and out of their driveway because a tree fell across it, like I know that it's not every one of them, but it was more than the couple that we've heard about tonight. We do have the penalties, we have the stick in terms of 'thou shalt not remove trees'; do we have... do we want to include the carrot? Do we want to have anything in here that incentivizes people to plant more trees? I don't know if we do, but I am the beneficiary of a canopy tree in my property and very very pleased about that. I love that we have a program in Palo Alto with a nonprofit partner that we can add more trees and it didn't cost me a dime and it was installed free of charge, so that's a really great thing. I don't know if we need to write that down. And then my last comment was about the moratorium of building when a tree is... when a tree dies or is removed. The edge case I'm thinking about is somebody who loves their beloved cherry tree which finally reach a hundred and dropped dead, they have to wait three years to do something that the waited the natural

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1 life of the tree, that's a rare edge case but I'm just not sure how firm we need to be on certain  
2 cases, we need to think about that edge case as well. Thank you.

3

4 Chair Summa: Commissioner Lu.

5

6 Commissioner Lu: Thank you, I appreciate the updates here, I really appreciate having this  
7 strong tree ordinance, but I especially appreciate the actual flexibility that we're getting in  
8 these updates. Before getting into more comments, I kind of have a combination  
9 question/comment, trying to clarify something that Commissioner Reckdahl was asking about  
10 the tree ordinance for discretionary larger projects. Just so I definitely understand, on the  
11 bottom of Packet page 21, on point 3. – when it talks about discretionary development  
12 approval, I understand the point about increased canopy coverage [TIMESTAMP 1:45 VIDEO  
13 SKIPPED] ... like the other condition of 'or replace trees, shrubs, and plants consistent with the  
14 Urban Forester Master Plan goals' that can all happen offsite?

15

16 Mr. Gollinger, Urban Forester: Ideally the majority of it would be happening onsite. With all  
17 projects we want to encourage replacement on site as much as possible.

18

19 Commissioner Lu: Okay, but it could be offsite.

20

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1 Mr. Gollinger, Urban Forester: Some portion of it could be offsite.

2

3 Commissioner Lu: Okay. Alright, I'm trying to reconcile that I guess with a potential suggestion  
4 in the slides, I was ... or maybe in the packet, that was talking about how we could potentially  
5 add an exemption for like a density reduction of 5% or greater. The ordinance in general, we  
6 have the tree replacement revisions like right below that. If you ever remove a protected tree  
7 we would have tree replacement in general, and so if one of the conditions is that discretionary  
8 approval can be approved if it provides replacement trees, then that's almost like saying  
9 discretionary development can just remove any trees as long as they provide replacement on

10 [TIMESTAMP 1:46 VIDEO SKIPPED]

11

12 Mr. Gollinger, Urban Forester: [TIMESTAMP 1:46 VIDEO SKIPPED] ... to this, for instance it's not  
13 codify here but we could... the project could be removing some invasive trees that provide  
14 canopy and replacing it with more appropriate drought tolerant canopy for that.

15

16 Commissioner Lu: Yeah, I think that's fine, from my perspective, I just wanted to confirm. So,  
17 we have a discretionary project, we approve it, they remove some protected trees, we  
18 [TIMESTAMP 1:47 VIDEO SKIPPED] ... adding an exemption for a redesign that requires density  
19 reduction of 5% or greater wouldn't really come up because you could ... you would have to  
20 replace those trees at [TIMESTAMP 1:47 VIDEO SKIPPED] ... in generally, it's just like a very

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1 flexible provision, basically, is what we're saying, but you can add trees offsite... and that seems  
2 like a pretty catch all way developers can [TIMESTAMP 1:47 VIDEO SKIPPED]

3  
4 Mr. Gollinger, Urban Forester: [TIMESTAMP 1:47 VIDEO SKIPPED]... plant offsite to replace  
5 trees, that was not the intent of what's written here.

6  
7 Commissioner Lu: Okay.

8  
9 Mr. Gollinger, Urban Forester: The intent was that the project itself [TIMESTAMP 1:48 VIDEO  
10 SKIPPED]

11  
12 Commissioner Lu: Yeah. I would definitely encourage that but also I do not mind giving  
13 [TIMESTAMP 1:48 VIDEO SKIPPED] ... what is I think [TIMESTAMP 1:48 VIDEO SKIPPED] ... I was  
14 not trying to say [TIMESTAMP 1:48 VIDEO SKIPPED] ... Okay, Couple more comments, So, I think  
15 the [TIMESTAMP 1:48 VIDEO SKIPPED] seems very long, and [TIMESTAMP 1:48 VIDEO SKIPPED]  
16 just shortening that or being more explicit about the flexibility we can provide. I also agree  
17 with some other commissioners that the exemption [TIMESTAMP 1:48 VIDEO SKIPPED]... gives  
18 property owners more flexibility, I would also want to be much more clear and strong about the  
19 ADU exemption [TIMESTAMP 1:48 VIDEO SKIPPED]... that ADU's make sense but I would like to  
20 see this extended to other ADU's as much as we reasonably can, or preferably just [TIMESTAMP

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1 [1:49 VIDEO SKIPPED] ... I would consider tweaking the numbers I guess, like in the [TIMESTAMP  
2 1:49 VIDEO SKIPPED] ... reasonable. It's still a reasonable bar for a [TIMESTAMP 1:49 VIDEO  
3 SKIPPED]. Oh and on the, there was a discussion on 2x the replacement value or... or ten  
4 percent of the given property valuation whichever is greater, I think it's also reasonable to say  
5 which every [TIMESTAMP 1:49 VIDEO SKIPPED] ... yeah I generally see reasons to be more  
6 flexible on the 25% rule. And those were my [TIMESTAMP 1:49 VIDEO SKIPPED]  
7  
8 [TIMESTAMP 1:49 VIDEO SKIPPED]  
9  
10 Commissioner Hechtman: Thank you. And I also want to join the other commissioners in  
11 thanking staff for the work on the ordinance, for keeping the work on track and the work on the  
12 ordinance for the last year and for [TIMESTAMP 1:49 VIDEO SKIPPED] ... and to improve it  
13 during what's kind of trial period, for a lot of changes that were made a year ago. So, I'm going  
14 to continue through the ordinance [TIMESTAMP 1:50 VIDEO SKIPPED] ... toward the bottom of  
15 the page, [TIMESTAMP 1:50 VIDEO SKIPPED] exempted under a certain section may be  
16 protected as a designated tree. So that language "may be" suggests discretion to me  
17 [TIMESTAMP 1:50 VIDEO SKIPPED] ... need to explain if it is discretion, how that process will  
18 work. So again, the homeowner reading this ordinance needs to be able to track the path. Next  
19 the clause on Packet page 19, kind of in the middle of the page 8.10 [TIMESTAMP 1:50 VIDEO

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1 **SKIPPED** ... sort of a standard, now we're going to ... this is requiring we show on the plans all  
2 trees with a four inch diameter. So my first question is, Where'd the four inch come from?

3

4 Mr. Gollinger, Urban Forester: That's something that we've been asking for when a project  
5 **[TIMESTAMP 1:51 VIDEO SKIPPED]** ... as far as disclosure goes. It's not referencing protection,  
6 it's just referencing what's there.

7

8 Commissioner Hechtman: Okay. And in fact, I was kind of surprised that we're talking about  
9 four inch, every tree that's four inches and so I went to look for a definition to look for the  
10 definition of tree **[TIMESTAMP 1:51 VIDEO SKIPPED]** ... but my reading of this ordinance,  
11 because the ordinance doesn't say a eucalyptus tree isn't a tree, I think on my plan, I have to  
12 show all of my four-inch + eucalyptus. Right.

13

14 Mr. Gollinger, Urban Forester: Correct. Because eucalyptus is exempt from protection but it's  
15 still a tree.

16

17 Commissioner Hechtman: Okay. So **[TIMESTAMP 1:51 VIDEO SKIPPED]**... and I think that it  
18 would make sense... it makes sense to me if we want to develop our database on future  
19 protected trees, that would make sense to me. So, a standard here like **[TIMESTAMP 1:51**  
20 **VIDEO SKIPPED]** ... 9 inch redwood diameter, right, that would make more sense to me here.

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1 Those are the ones that we're ultimately going to protect, we want to track those as they get  
2 bigger, we want to know if [TIMESTAMP 1:52 VIDEO SKIPPED] .... Near the top of the page in  
3 section A1, the last line uses the word feasible. There's at least one other place I saw here  
4 where [TIMESTAMP 1:52 VIDEO SKIPPED] ... that's something that maybe staff should look at,  
5 and again, because this is a study session I'm just kind of giving feedback of things that you may  
6 want to investigate in cleaning up the ordinance. Okay [TIMESTAMP 1:52 VIDEO SKIPPED] ... I  
7 have this gorgeous twin redwood, it is protected and if it falls on my house, it will demolish my  
8 house. Thankfully it's in great shape, but, if it were diseased and I followed all the rules and had  
9 it removed so it wouldn't destroy my house [TIMESTAMP 1:52 VIDEO SKIPPED] ... the concept  
10 that having done that I had a development moratorium on my property for thirty six months...  
11 that's not how it works?

12

13 Mr. Gollinger, Urban Forester: No, it's not every permit. So if the arborist report proved  
14 [TIMESTAMP 1:53 VIDEO SKIPPED] .. the code may be applied, the moratorium may be applied.  
15 So we apply it to instances where the reason for removal has to do with the existing property,  
16 so for instance damage to a foundation or eaves of an existing residence [TIMESTAMP 1:53  
17 VIDEO SKIPPED] ... apply the moratorium. A tree falls over in the storm, tree is rotten, tree has  
18 structural issues, there would be no moratorium for those instances.

19

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1 Commissioner Hechtman: Okay, that's not [TIMESTAMP 1:53 VIDEO SKIPPED] ... want a  
2 property owner to fear getting a permit because they... for a diseased tree because they don't  
3 want the moratorium, because they're planning a remodel or whatever. So, clarify that and  
4 [TIMESTAMP 1:53 VIDEO SKIPPED] ... a protected tree without a permit.

5  
6 Mr. Gollinger, Urban Forester: It's included in that section as well.

7  
8 Commissioner Hechtman: Okay.

9  
10 Mr. Gollinger, Urban Forester: So there's that separate section about violations.

11  
12 Commissioner Hechtman: Okay. So I think that this ... and a couple of the commissioners have  
13 commented on this, I just think this should be simplified I don't think we should be adding more  
14 [TIMESTAMP 1:53 VIDEO SKIPPED] ... the reproduction cost of the tree. We shouldn't sort of  
15 have this, you know, the greatest apples [TIMESTAMP 1:54 VIDEO SKIPPED] ... if I've got a big  
16 project you know, I've got to [TIMESTAMP 1:54 VIDEO SKIPPED]... equally to different  
17 properties and I don't think that's fair. So I would suggest [TIMESTAMP 1:54 VIDEO SKIPPED] ...  
18 in the middle of the page subpart four which is some new language, add the work existing  
19 before foundation. Right, because I think that will be more consistent [TIMESTAMP 1:54 VIDEO  
20 SKIPPED] ... had two subparts, now has three and so in the last line of D, before you get to

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1 [TIMESTAMP 1:54 VIDEO SKIPPED] ... so, change either to any in subpart [TIMESTAMP 1:54  
2 VIDEO SKIPPED] ... the shaded last sentence, so that was weird, it's shaded but it's not  
3 underlined, so is that added or [TIMESTAMP 1:54 VIDEO SKIPPED]  
4  
5 Mr. Gollinger, Urban Forester: [TIMESTAMP 1:54 VIDEO SKIPPED] ... rule could apply to multiple  
6 protected trees impact a buildable area, not just a singular tree. The trees that had tree  
7 protection zones, impacting a buildable area, whereas historically this has been used for  
8 singular large centrally located trees, it could also apply to more than one tree. [TIMESTAMP  
9 1:55 VIDEO SKIPPED]  
10  
11 Commissioner Hechtman: So those are the [TIMESTAMP 1:55 VIDEO SKIPPED] I think we need  
12 [TIMESTAMP 1:55 VIDEO SKIPPED] to do things with our property I think that's really critical  
13 information. I do [TIMESTAMP 1:55 VIDEO SKIPPED] this ordinance because I think that as a  
14 number of the commissioners have referenced, constraints on the [TIMESTAMP 1:55 VIDEO  
15 SKIPPED] ... reasonably living in, and I think that [TIMESTAMP 1:55 VIDEO SKIPPED]... citizens  
16 and so I think that we need [TIMESTAMP 1:55 VIDEO SKIPPED] ... I've heard a number of my  
17 fellow commissioners raise tonight. So, [TIMESTAMP 1:55 VIDEO SKIPPED] ... at that so we still  
18 maintain control [TIMESTAMP 1:55 VIDEO SKIPPED] because the ordinance doesn't have that  
19 relief valve.  
20

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1 Chair Summa: In general I think this tree ordinance is [TIMESTAMP 1:55 VIDEO SKIPPED] an  
2 ordinance that expands [TIMESTAMP 1:56 VIDEO SKIPPED] in there before is spelled out and it  
3 also [TIMESTAMP 1:56 VIDEO SKIPPED] ... health for our residents comes from. So, I also think it  
4 does something really good which is the maintenance [TIMESTAMP 1:56 VIDEO SKIPPED] by the  
5 example of Commissioner Reckdahl's tree because I know that [TIMESTAMP 1:56 VIDEO  
6 SKIPPED] extended into your neighbor's yard ... roots can be trimmed from [TIMESTAMP 1:56  
7 VIDEO SKIPPED] ... and I think a lot of ... I don't think [TIMESTAMP 1:56 VIDEO SKIPPED] because  
8 more of the policy and so I think those ideas were included in the tree's technical manual, even  
9 before and they will be there now. This is the broader [TIMESTAMP 1:56 VIDEO SKIPPED] but I  
10 know many situations where significant tree roots were trimmed [TIMESTAMP 1:56 VIDEO  
11 SKIPPED] and I want to end up by thanking Canopy also for the tremendous amount of good  
12 work they've [TIMESTAMP 1:56 VIDEO SKIPPED] and I want to once again ask ... thank  
13 [TIMESTAMP 1:56 VIDEO SKIPPED] that concludes unless anyone has anything else to add to  
14 this item. [TIMESTAMP 1:56 VIDEO SKIPPED] they have stuck around ...

15

## 16 **Commissioner Questions, Comments or Announcements**

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18

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1 **Adjournment**

2 **8:09 pm**

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