



**Proposed Changes to
Palo Alto's Tree
Ordinance
Community Meeting**

April 6, 2022

www.cityofpaloalto.org/treeordinanceupdate



TONIGHT'S AGENDA

- Welcome and Introduction
- Staff Presentation on Draft Update
- Question and Answer Session



Updates to Title 8 of the Palo Alto Municipal Code (Tree Ordinance)

Background information on the need for an update

April 6, 2022

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WHY UPDATE THE TREE ORDINANCE?

- Tree protection first included in the Palo Alto Municipal Code (PAMC) was 1951, last substantive update was 2001
- New City policy documents including the Urban Forest Master Plan, 2030 Comprehensive Plan, and the Sustainability/Climate Action Plan
- New State legislation like the Model Water Efficient Landscape Ordinance and wildland fire prevention
- Recent studies have shown trees provide even greater benefits than previously thought

TIMELINE OF HISTORICAL TITLE 8 UPDATES

1951 – Tree ordinance first adopted

1996 – Oaks included as protected trees

1999 – Addition of preservation and management requirements

2001 – Redwoods added to protected trees

2011 – Tree removal requirements in Hospital District addressed



URBAN FOREST MASTER PLAN

Specific goals related to Title 8

- Achieve a greater percentage of native, drought-tolerant species
- Ensure no loss of benefits
- Increase habitat, health, and social benefits
- Strive for no net loss/increase in canopy cover
- Minimize any negative effects on the urban forest from development



CITY OF PALO ALTO COMPREHENSIVE PLAN 2030



2030 COMPREHENSIVE PLAN

- Policy N-1.2 Maintain a network of parks and urban forest
- Program N2.2.1 Periodically update the UFMP and Tree Protection Ordinance to ensure policies and regulations set leading standards for tree health practices
- Policy N-2.6 Improve the overall distribution of citywide canopy cover
- Policy N-2.7 Strive toward the aspirational, long-term goal of achieving a 50 percent tree canopy cover across the City

SUSTAINABILITY & CLIMATE ACTION

- Restore and enhance resilience and biodiversity of our natural environment
- Increase tree canopy to 40% Citywide coverage by 2030
- Ensure No Net Tree Canopy Loss for all projects





CHANGES IN STATE LAW

- State Executive Order B-29-15, e.g. the Model Water Efficient Landscape Ordinance
- CA SB-247 Wildland fire prevention: vegetation management

URBAN FOREST BENEFITS

- Increases property values.
- Reduces energy consumption.
- Reinvigorates neighborhoods.
- Reduces crime.
- Helps students succeed.
- Unites neighborhoods.
- Benefits wildlife.
- Reduces the effects of climate
- Provides much-needed cooling.
- Helps clean our ground water.
- Cleans our air.
- Contributes to our health.



Palo Alto Urban Forest Annual Benefit Estimates

- 29,000-49,000 tons of CO2 sequestered
- 964,855,308 gallons of storm water diverted
- 265,647 lbs. of air pollutants removed
- 84,357,233 kWh of energy saved



Updates to Title 8 of PAMC

Details on key changes included in the update

April 6, 2022

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PROPOSED CHANGES

Included in the draft update are three main types of changes:

- Updates to lists of authorized officers and relevant staff positions
- Restructuring of some chapters and sections to increase clarity and document flow
- Substantive changes to align the ordinance with existing policies and new state laws. These are the type of changes we will review in the following slides

**Draft ordinance is available online at
www.cityofpaloalto.org/treeordinanceupdate**

8.04.010 – 8.04.040 TREE PERMITS

Permits for work on public trees

These sections were changed to clarify the process and circumstances under which an applicant can obtain a permit to work on a public tree.

Common reasons these permits are requested are:

- More frequent pruning than provided by the City
- Work included in conjunction with a development project
- Ability to address a pest problem with a private contractor

TREE PERMIT FOR REGULATED TREE WORK
PUBLIC WORKS
CITY OF PALO ALTO
Public Services Division - Urban Forestry Section
pwps@cityofpaloalto.org

TRE- _____
BLOG PERMIT: _____
FEE: _____

PROJECT ADDRESS: _____

APPLICANT INFORMATION
Name: _____
Address: _____
Phone: _____ Cell: _____ Fax: _____
E-mail: _____

SCOPE OF WORK

Tree Site No.	Removal	Planting	Pruning	Other	Description	Species	Value	Size	Dist. From Prop. Line

Application Date: _____ Start Date: _____ Completion Date: _____

REQUIRED ATTACHMENTS
1. Site Plan 2. Other: _____

PERMIT CONDITIONS

1. The permitted work shall conform to City of Palo Alto standard specifications and the Tree Technical Manual, including those checked above. See attached specifications.
2. Permit shall be available on site during work.
3. Permittee removing trees and stumps, and/or planting new trees shall use PW Detail #604.
4. Permittee is responsible to notify Underground Service Alert (USA) prior to stump removal and replacement tree planting.
5. All work shall be completed by a licensed tree service or landscaping contractor.
6. New tree shall be inspected by urban forestry inspector prior to installation (650.496.5953).
7. When required, irrigation bubbler heads shall be supplied to each new tree per PW Detail #511.
8. Applications that include pruning or removal of regulated trees must attach a report from a certified arborist.
9. In consideration of the granting of this permit, for pruning an International Society of Arboriculture Certified Arborist must be **on site**. All work shall be done in accordance with:
 - Palo Alto Municipal Code, Title B, Trees and Vegetation
 - Tree Technical Manual, TAMC, B.10.130
 - American National Standards Institute (ANSI) Standards for Tree Care Operations A300 & Z133
 - ANSI Standard for Nursery Stock Z601
 - Underground Service Alert (USA) notification requirements
 - Proof of insurance as specified by the City of Palo Alto
10. Additional Conditions: _____

Permittee affirms that the facts stated herein are true and agrees that (s/he, his or her agents, employees, and contractors shall perform all work described herein in conformance with ordinances and standard specifications of the City of Palo Alto. The permittee agrees to abide with the Permit Conditions outlined above and hold the City of Palo Alto, its officers, officials, agents, and employees harmless from all costs and damages which might arise from the Permittee's use or occupancy of public right-of-way. This permit may be revoked at any time for violation of the above conditions.

APPLICANT SIGNATURE _____ DATE _____ PERMIT ISSUER _____ DATE _____

8.04.070 & 8.10.100–110 ENFORCEMENT

Enforcement of violations

These sections were updated to clarify what types of penalties can be applied when violations of the ordinance occur. The list of employees authorized to issue these violations was also updated.

Types of Penalties

- Administrative penalties
- Civil penalties
- Stop work actions and development moratoriums



8.10.020- DESIGNATED ARBORIST

Introduction of a Designated Arborist system

The City will maintain a list of qualified, certified, and selected arborists. This list will be used by applicants to hire for all things arborist related including:

- Completion of tree disclosure statements
- Submission of tree preservation reports
- Submission of hazard assessments or arborist reports
- Current draft specifies that applicant selects and hires arborist unless the project is one that requires a hearing, in those cases the City will select the arborist and bill the applicant



8.10.020- EXCESSIVE PRUNING

Expansion and clarification of definition

Changes to the definition of excessive pruning include:

- Inclusion of roots in the standard 25% definition
- Revision of time window from 12 to 36 months
- Separation of oaks from main definition, now pruning of 15% or more considered excessive for oak species



8.10.020- PROTECTED TREES

Addition of several new protected species and introduction of diameter at breast height (DBH) size thresholds for protection:

Species proposed protected at 11.5” DBH:

- *Acer macrophyllum* (Bigleaf Maple)
- *Calocedrus decurrens* (Incense Cedar)
- *Quercus agrifolia* (Coast Live Oak)
- *Quercus douglasii* (Blue Oak)
- *Quercus kelloggii* (California Black Oak)
- *Quercus lobata* (Valley Oak)

Species protected at 18” DBH:

- *Sequoia sempervirens* (Coast Redwood)



Proposed protected species at 15” DBH including all other species except:

- Invasive species per Cal-IPC
- High Water Users per WUCOLS

8.10.020- PROTECTED TREES

Other protected tree categories:

- Any tree designated for protection during review and approval of a development project
- Any tree designated for carbon sequestration and storage and/or environmental mitigation purposes
- Any replacement mitigation tree or other tree designated to be planted due to the conditions listed in this ordinance



8.10.030 TREE & LANDSCAPE TECHNICAL MANUAL

Updates to this section include:

- Specification that the new manual will prioritize the use of locally native species
- Inclusion of climate adaptive, drought tolerant species as a secondary priority
- Incorporation of additional goal of net tree canopy increase on the property within 15 years
- Landscape design, irrigation, and installation standards consistent with the city's water efficient landscape regulations

8.10.050 PROHIBITED ACTS

The section has been re-organized into several categories where a protected tree may be removed.

- Outside the development process
- As part of development on a residential lot
- As part of a project with a subdivision of land
- As part of any other project requiring discretionary approval by the City
- Any circumstances other than those listed above



8.10.050 PROHIBITED ACTS

Allowable reasons for removal outside the development process:

- The tree is dead, hazardous or a nuisance
- The tree is a detriment to or is crowding an adjacent protected tree, or is impacting the foundation or eaves of a primary residence

Trees removed under this category may trigger a 36-month development moratorium. Mitigation measures would be required to lift the moratorium early.



8.10.050 PROHIBITED ACTS

Allowable reasons for removal as part of development on a residential lot:

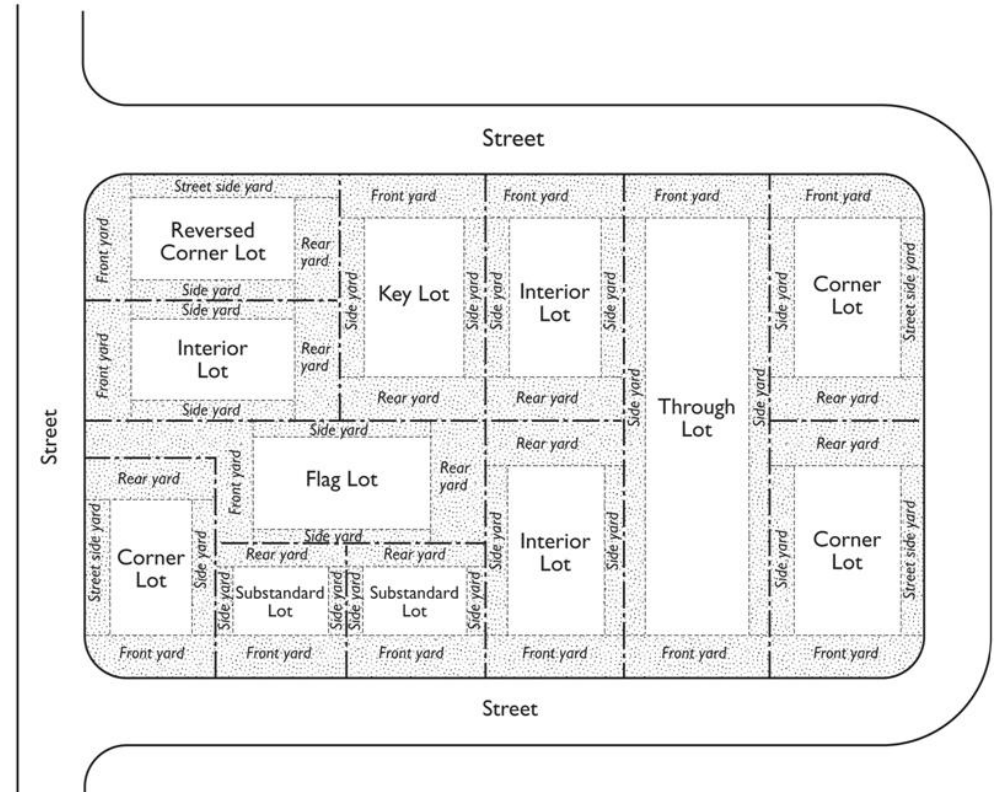
- The tree is dead, hazardous or a nuisance
- The tree is a detriment to or is crowding an adjacent protected tree, or is impacting the foundation or eaves of a primary residence
- The tree is so close to the proposed development that construction would result in the death of the tree, and there is no financially feasible and reasonable design alternative that would permit preservation of the tree



8.10.050 PROHIBITED ACTS

Allowable reasons for removal as part of a project with a subdivision of land:

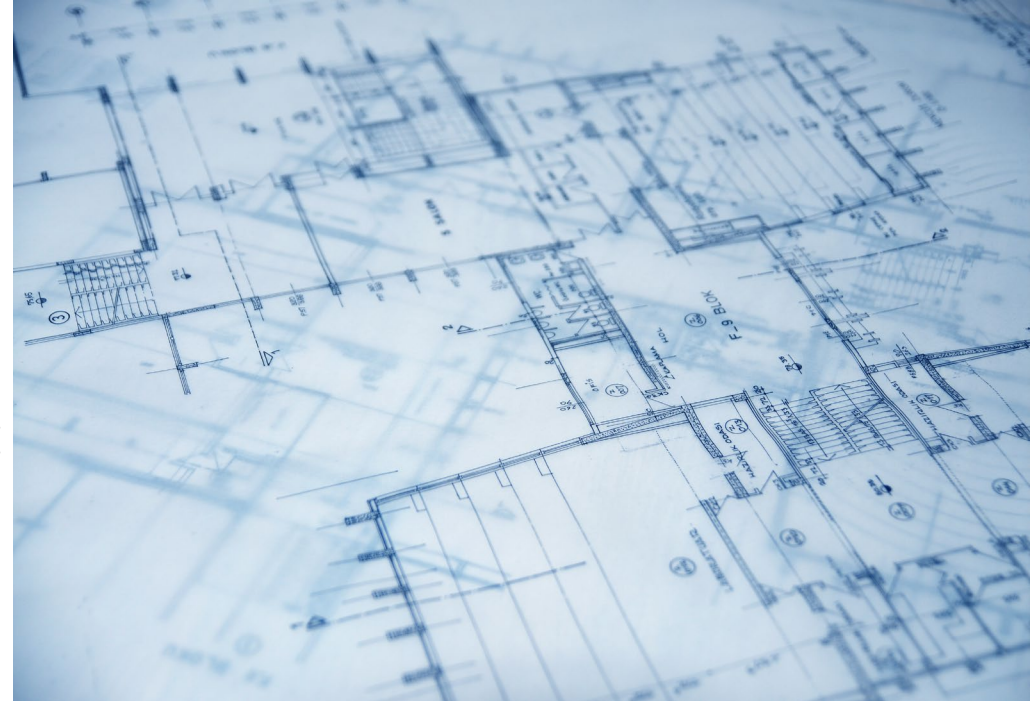
- The tree is dead, hazardous or a nuisance
- Removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard



8.10.050 PROHIBITED ACTS

Allowable reasons for removal as part of any other project requiring discretionary approval by the City:

- Retention of the tree would result in reduction of the otherwise-permissible buildable area of the lot by more than 25%, and there is no financially feasible and reasonable design alternative that would permit preservation of the tree
- The tree should be removed because it is dead, hazardous, or a nuisance. In such cases, the dripline area of the removed tree, or an equivalent area on the site, shall be preserved for mitigation purposes from development of any structure





8.10.070 CARE OF PROTECTED TREES

Changes in this section include:

- Expansion of list of actions that may negatively impact protected trees
- Requirement for owners of protected tree to notify the City and publicly post their intent to work on a protected tree 7 days in advance of work

8.10.092 TREE REMOVAL IN WILDLAND-URBAN INTERFACE AREA

This is a new section that can be expanded in a future update.

- Tree removal and relocation in the wildland-urban interface (WUI) area, as defined in Section 15.04.190, shall be subject to the provisions in Chapter 15.04. To the extent Chapter 15.04 is inconsistent with this chapter, Chapter 15.04 shall control.





8.10.140 APPLICATIONS, NOTICE, AND APPEALS

This section was re-organized to include details on the process of protected tree removal.

- Clarification of application process
- Introduction of detailed notification requirements
 - Notice posting on property, on city website and by mail to addresses within 600 ft
 - Notice required both when applying to remove a protected tree and once a decision is made
- Introduction of appeals process used in chapter 18.78

SUMMARY OF POTENTIAL IMPACTS TO RESIDENTS

Changes that may cause the most impact on residents are:

- Must file for a protected tree removal permit to remove trees that were previously un-protected. Must qualify for removal based on ordinance.
- New requirement to notify city and neighbors before maintenance of protected trees.
- More applications submitted for development projects will require an arborist report due to increased number of protected trees.
- Tree disclosure statements and arborist reports for development applications must be completed by a designated arborist.





ADDITIONAL ENGAGEMENT

- Presentation and study session at the April 21 Architectural Review Board meeting
- Presentation and study session at the April 26 Parks and Recreation Commission meeting
- Second community meeting. Tentatively scheduled for early May. (Date TBD)
- Ordinance presented to City Council at a June 2022 meeting (Date TBD)

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THANK YOU



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PALO ALTO



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www.cityofpaloalto.org/TreeOrdinanceUpdate

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