



## **Sacramento Tree Ordinance Stakeholder Advisory Committee**

### **Meeting #1 Summary**

Wednesday, Oct. 30, 3 p.m.  
Sacramento Historic City Hall  
915 I Street, Sacramento

#### **Meeting Attendees**

Project team members in attendance included:

- Joe Benassini, City of Sacramento
- Bob Cooper, City of Sacramento
- Deanna Hickman, City of Sacramento
- Jamie Gomes, EPS
- Amy Lapin, EPS
- Gene Endicott, Endicott Communications

Approximately 30 stakeholder organization representatives and/or community members attended the meeting.

#### **Meeting Goal**

Introduce community members to the Sacramento Tree Ordinance Update project and solicit feedback on the community's values regarding the City's urban forest.

#### **Agenda Review**

Gene Endicott provided an overview of the meeting agenda.

#### **Project Background**

Joe Benassini then provided background on the project and outlined the City's primary goals, as follows:

The City of Sacramento has a long-standing reputation as the City of Trees, and emphasis on the importance of trees in the city dates back to its founding over 160 years ago. In the late 1970's and the 1980's, Sacramento's urban forestry program drew international recognition for its beautiful tree canopy, partnerships, and innovative elm preservation programs. Sacramento was a primary subject for many urban forest researchers. However, over the last three decades, the programs and policies that were originally in place have slowly become outdated, ignored, or otherwise eroded as work practices evolved, land development increased, and funding was reduced. The City lacks a cohesive set of adopted policies, an effective ordinance, design guidelines, and community outreach.

The city's tree ordinances are, in essence, the laws of the city that reflect its adopted policies in regards to trees and the value they add to our various neighborhoods and communities. However, the current ordinance fails on multiple levels. It does not adequately acknowledge benefits that trees provide, fails to provide canopy coverage goals, does not provide design requirements or performance standards, imposes minimal penalties for violations, and provides an awkward and clumsy permit, hearing and appeal process. It inadequately defines key terminology, including street trees and "maintenance easement trees", poorly defines heritage trees as trees of

significance and assumes that the City maintains a list of heritage trees. Finally, it fails to address fees and mitigation requirements for removal of trees and offers no predictability for developers and design professionals. Construction oversight and field inspection is lacking, holiday tree lighting has now become a year round, endemic problem in regards to safety, and the Parking Lot Shade Guidelines are poorly executed and maintained.

The City's demographics have changed, the space required for public trees has diminished, and interest groups lack an understanding of the urban forest and its management. The purpose of this ordinance review is to gather public input and professional guidance to re-establish effective urban forestry policies. In turn it will serve as a foundation to an updated urban forestry management plan and the development of specific urban forestry guidelines, standards and specifications for maintaining, expanding and enhancing our urban forest.

**Goals of the 2013 Tree Ordinances Review and Update**

- Incorporate three separate ordinances into a single document (Street, Dutch Elm-Disease. Heritage trees)
- Make the ordinance clear and concise. If people don't understand it, they will not respect or obey it.
- Align policies with planning, engineering, community development, streetscapes, park maintenance, and water and energy conservation

**Tree Planting and Preservation Ordinance Objectives**

1. To define the findings and intent of the ordinance.
  - a. Findings (Includes benefits and justification for local government's interest in the resource. Can combine with Purpose)
    - i. (Example) "The City of Davis acknowledges the importance of trees to the community's health, safety, welfare and tranquility. Much of the city's admired and valued appearance and ambiance is due to its tree canopy, a dominant visual and spatial element of the landscape and urban form. Trees maintain an aesthetically pleasing environment and can provide environmental, aesthetic, social and economic benefits. Specifically, trees increase property values, provide visual continuity, provide shade and cooling, decrease wind velocities, provide erosion control, conserve energy, reduce storm water runoff, act as filters for airborne pollutants, reduce noise, provide privacy, provide habitat and food value and release oxygen. The community forest shall be prudently protected and managed to secure these benefits"
  - b. Purpose (Maximum canopy, maintain forest in healthy and safe condition, age and species diversity)
    - i. To protect public interest and conserve resources
    - ii. (Example) "To establish policies, regulations and standards necessary to ensure that the city will continue to realize the benefits provided by the urban forest. It is the intent of this chapter to establish regulations for the planting of new trees and the preservation and protection of street trees, city trees (trees in parks, greenbelts, open spaces, on city property or easements, etc.), landmark trees, trees of significance, parking lot trees, and certain private trees in order to retain and augment the health of the existing community forest" (Davis)
2. Clarify definitions

- a. Director
- b. City street tree, maintenance easement tree trees of significance (heritage?)
- c. Alter (prune, soil fills and cuts, compaction, spills, change drainage, damage)
3. Establish authority for interpretation of definitions
  - a. Many provisions hinge on definitions of key terms. Such a provision reduces the chance that ordinance enforcement could be challenged based on specific definitions
4. To set jurisdiction (can combine with findings/purpose)
  - a. (Example) "The city shall have control over all street trees, park trees in any public right of way, tree easement, or other public place within the city limits and shall have the power to plant, care for, maintain, remove and replace such trees"
5. To set policies
  - a. Set forth guiding principles to achieve goals
    - i. (Example) "It is the policy of the city to encourage new tree planting on public and private property and to cultivate a thriving urban forest"
    - ii. (Example) "Street trees shall first be considered from the standpoint of the people using or passing along the streets and in terms of broader community benefit. Of second consideration is the benefit, embellishment or enhancement of properties abutting the street"
    - iii. To protect not just trees, but space for trees
6. To set guidelines for carrying out the ordinance provisions
  - a. Permit requirement
  - b. Tree pruning, tree removal, house moving, development impacts, street tree lighting, responsibility for maintenance of park strips, tree planting, interference with tree workers, unlawful pruning or removals, parking lot shade and maintenance thereof
  - c. To set performance standards
  - d. To address utility companies, public works projects
  - e. Establish a street tree preference list
7. To reduce liability
  - a. Authority to abate hazardous conditions or regulate actions on private property
8. To establish authority and designate administration responsibilities, assign roles
  - a. Urban Forester, Director, Department
  - b. Board or advisory group
9. To ensure that tree preservation and tree planting goals are aligned with zoning codes and development goals
10. To establish procedures where a decision by a program manager can be appealed
  - a. What can be appealed (removals involving health and structure v. development)
  - b. Procedure and limitations
  - c. Hearing rules (other chapter re administrative functions)
11. To set process to establish value of trees where removal is necessary for development, are illegally removed or damaged
12. To establish penalties

- a. Misdemeanor, fine and imprisonment or both, administrative penalties
  - b. May be considered a public nuisance and treated as such
  - c. Restitution
13. To establish enforcement
- a. Director, Urban Forester, City Arborist, Code Enforcement Division
14. To require performance evaluation and a strategic plan and long range management plan
- a. Maintain an inventory
  - b. Provide an annual summary or report
  - c. 5, 10, 20 year plans

### **SAC Roles & Responsibilities/Self-Introductions**

Mr. Endicott then reviewed the Stakeholder Advisory Committee (SAC) role in working with the project team to develop an updated ordinance, and facilitated project-team and SAC self-introductions.

### **Tree Ordinance Objectives and Approach**

Jamie Gomes then provided an overview of the project's objectives and approach, including information on existing conditions, and the planned update process that includes the following steps:

- Gather information to define issues
- Identify policies/practices to retain
- Prepare strategic plan and ordinance update outline
  - Problem definition
  - Strategic Goals, Objectives and Guiding Principles
  - Operational, Financial and Implementation Plan
- Stakeholder input (internal and external)
- Case study research
- Prepare strategic plan and updated ordinance

An updated proposed ordinance will be reviewed by the Law and Legislation Committee, Parks and Recreation Commission, Planning Commission and City Council. The project is anticipated to be completed over approximately 11 months.

### **Community Values Exercise**

Mr. Endicott then facilitated a stakeholder-feedback process that included meeting attendees indicating what they wanted to create, retain and avoid in the context of a new tree ordinance. Following are the comments provided through this process. The project team will review the stakeholder feedback, which will help shape the proposed updated ordinance and related work-practice documents.

### **CREATE**

- Need concise definitions of conditions and rights for street tree appeal, heritage tree appeals. Current definitions are vague.
- Simplify definitions of "city street tree" and "maintenance easement private street tree. Clarify definition of heritage tree in terms of "good quality" in terms of health vigor, etc. Too vulnerable to varied interpretation.
- The approved tree list mentioned in city code.

- Guidelines of what to plant, where.
- Policies to encourage plantings for shaded parking lots, streets.
- Policies to plan vegetative barriers to improve near-roadway air pollution.
- Create definitions of different types of trees – native, non-native, invasive, heritage, significant, habitat.
- Program to educate property owners about proper care of new trees.
- Integrate ordinance policy goals with local/regional/national climate change policy goals/adaptation.
- Best practices for pruning and enforce there – currently contract crews are doing serious damage to existing street trees.
- Policy that canopy trees be planted wherever there is room for them.
- Address disease in general – not just Dutch Elm.
- Clarity in allowing for and reviewing “alternate means,” particularly for private trees in development applications.
- Ordinance flexibility to grow as tree – air quality connection is further developed.
- Encourage variety and sustainability.
- Restrictions on potentially invasive trees that impact native ecosystems that surround Sacramento, e.g. American River Parkway.
- Identify/recognize biotic factors/importance native trees have in the Sacramento region.
- Address placement near street lights (or pedestrian lights) so sidewalks can be shaded during the day and lit at night.
- Clarity on how the general plan goals will be translated to plan review.
- Marketing campaign in partnership with the Tree Foundation to grow community pride in our urban forest – “Sacramento Urban Forest Rocks!!”
- Greater clarify earlier in the site design process on what the UFS requirements for building permit approval will be.
- Consistency, coordination, collaboration.
- Limit number of trees allowed and types (appropriate).
- Enforce penalties for property owners who remove or prune street trees without permission.
- Path for “surplus” plantings that can be used as offsite GHG mitigation under CEQA.
- Tree signage program to educate community on benefits of trees and types of trees.
- Heritage tree ordinance – hearing officer should be degreed arborist; native oak definition-revert back to original definition; change definition of heritage trees from good condition to fair; heritage tree hearing in evening and in neighborhood where trees are located.
- Reasonable tree mitigation policies.
- Clear outline of city’s goals and how we plan to get there.
- Streamlined, single point of contact and process; tree ordinance that supports the goal of sustaining our tree canopy.
- Incentives for native and drought tolerant tree species to reduce water consumption.
- A clear basis for decision making and assessing tradeoffs for the commissions and Council.
- Guidelines for special conditions such as trees on rooftops.
- A one-stop, clear location to find all requirements and regulations for trees.
- Better procedures for protecting newly planted trees in areas (e.g. near alcohol venues) where new trees are being vandalized. This could include things like metal cages around new trees until they are too big to break in two.
- Budget that adequately funds care for new trees (e.g. watering) until they are fully established.

- Language about Sacramento being the “City of Trees.” Importance of trees as iconic image to the City. Health benefits of trees – air quality, encourage walkability/biking/vegetative barriers to noise/cars, etc.
- Requirements for large shade canopy trees to be planted in smaller spaces through use of such things are “Cornell Soil.”
- Web-based FAQ’s that direct users to appropriate code section.
- Clearly define maintenance responsibility.
- Mitigation for trees removed for development; mitigation should occur onsite or in neighborhood.
- Fines for improper pruning, removal.
- Set goals for increasing overall street canopy coverage.
- Linkage with “Resilient Sacramento,” a regional collaborative to prepare for climate change, to create more tree canopy for hotter, drier weather.
- Outdoor cafes are impacting trees which are being removed for outdoor seating.
- Greater tree coverage/shade for commercial parking lots.
- State that public trees are protected and removed only if certain criteria listed in ordinance are met.
- Differentiate between holiday tree lighting on business vs. residential properties (if developing penalties).
- Set specific objectives for maximum shading of sidewalks and bike lanes.
- Tree integration in city sustainability master plan.
- Canopy coverage goals.
- Clear pathway for neighborhood revitalization and enhanced walkability using trees.
- Notification of public tree removal – a return to 30-day posting which was an operating policy for over 20 years; post removal on UF website; email neighborhood association where tree removal occurs.
- Obvious links to ordinances at city zoning pages.
- Section in ordinance related to trees in rooftop gardens.
- FAQ to assist homeowners, businesses with repair, removal and replanting process.
- Address adequate street lighting when developing tree pruning guidelines, i.e. pruning trees around street lights frequently enough to adequately light sidewalks, parks, etc. to maximize public safety.
- More rationale for housing City tree staff in whichever department is ultimately chosen.
- Clear process to distinguish between homeowner trees (with City influence) and City trees (with homeowner responsibility).
- Goals which ensure healthy, large canopy.
- Greater certainty for all stakeholders (residents, developers, businesses and the City).
- Improve retention of large trees – have specific criteria to be met before removal.
- Clear and concise rules and regulations.
- Communication/responsibility chart (or single phone #) for folks to get to the right place when calling with tree-related questions.
- Improve notification process to public – post online and on site; include notification requirement in ordinance (general language).
- Durable and healthy urban forest.
- “Space” for trees – root/soil, air/canopy, safe target zone, overhanging.
- Budget/funding mechanism to fully fund tree ordinance enforcement and proactive programs, not just reactionary enforcement.
- Community-based tree commission to hear appeals. But don’t hamstring Forestry staff from making “common sense” and science-based decisions.
- Mini forested zones within small park areas.
- A diverse urban forest while choosing climate zone appropriate species.

- Check list for City staff when they are asked to remove street tree; reasons for removal – share with public, consists of categories but not all categories will apply to each tree case. Then review City staff decisions to ensure trees are retained, rather than removed.
- Improve enforcement – increase penalties for removal of heritage trees (this will also be helped with education but dollars are too low); action if permit conditions are changed (trees removed)
- Educate public, property owners (residential, commercial and industrial) about ordinance.
- An ordinance that facilitates regional objectives.
- More coordination between sidewalks and tree roots (City trees grow roots and homeowner pays for sidewalk repair).
- An ordinance that is cognizant of tree maintenance and life span.
- Look at urban forest on a habitat perspective (humans, animal, insect, avian, amphibian, etc.); create ecosystems as well as ornamentation.
- An ordinance that encourages/coordinates with other plant materials (shrubs, ground covers) required by zoning code and sustainability and storm water quality and air quality policies and objectives.
- An ordinance that considers/reflects the “infrastructure” role and value of trees.
- Define trees known to provide nesting, habitat for Swainson’s Hawks and other threatened migrating raptors as heritage trees with legal protections.
- Establish CEQA guidance (in coordination with Air District, Breathe) for tree mitigation so it’s consistent, fully mitigates to less than significant, and is consistent with a city urban forestry plan or strategy, and air quality plan.
- An ordinance that is based on current science and innovations. Leverage the benefits, air, water, GHG, temperature, aesthetics.
- Update definitions of heritage trees and provide assistance to owners who inherit the heritage trees.
- Clear instructions for residents to know what they can do and cannot do with City street trees.
- Clarity around responsibility for street tree incursion onto sidewalks (who is responsible to replace sidewalk ruined by City tree roots).
- Science-based methodology to measure impact of removal of tree on air quality/heat island and place it in regional context.
- An update to the street tree list – possibly create a committee that updates the list on a set 1-5 year schedule.
- Encourage native species but don’t prohibit non-native.
- Move parking lot shade ordinance to tree ordinance; develop set back (above and below ground) requirements that need to go in zoning code.

#### **RETAIN**

- Clear shading ordinance.
- Protection for heritage trees.
- Simple, low-cost permit for working on landscape improvements near heritage street trees (and make it easier to find).
- Native heritage trees should be identified and promoted.
- Tree City USA status!
- Ability to preserve heritage trees; a strong City culture that promotes trees.
- Requirement that people cannot remove heritage trees from private property without public review.
- Continue to encourage new tree planting; perhaps also offer resources/education to City staff, agencies, the public, etc. for tree planting and maintenance, history of Sacramento trees native to region, etc.

- Diversity of trees appropriately sited for ecological, social, health benefits
- Clear process for treating diseased trees.
- Tree ordinance as the “talking stick” of trees. Using science-based arboriculture terms as well as human assumptions/emotions.
- Heritage species at the highest possible level within budget allowances.
- An aggressive tree ordinance that continues the strong tree heritage.
- Keep as much tree canopy as possible while maintaining healthy trees and removing diseased ones.
- City tree canopy in downtown residential neighborhoods – do not permit street trees to be removed for denser infill development.
- A standardized list of appropriate species for community/residential planting purposes – utilize the Tree Foundation information that already exists.

#### **AVOID**

- Mitigation using “inch for inch” calculations. Focus on “right tree/right place” and funding urban forest maintenance budget.
- Unrealistic ordinances.
- Excessive fees for existing homeowners.
- Species that cause sidewalk upheaval.
- Requiring permits for too many tree-related activities for existing homeowners.
- Creating duplicative processes.
- One size fits all ordinance that fails to recognize that urban forest composition may vary according to building types and density.
- Making the ordinance too rigid, too technical or limiting the ability to plant trees (new/replacement trees).
- Removal of large canopy trees in downtown (example between 5<sup>th</sup> and 7<sup>th</sup>, N and P) which now provide heat island mitigation benefits.
- Ordinance creep – a more complicated and wordy document.
- Removing trees from areas receiving benefits such as cooling, mitigation of heat island, and GHG and air pollution reduction, and then mitigating in areas where the benefits have less impact – such as the American River Parkway.
- Focusing on saving (spending emotional and financial energy) on trees in poor condition or limited life span.
- Penalty to owners to remove tree or repair sidewalk for trees planted in new areas by developers (either their choice or mandate).
- Allowing trees that are destructive (roots, sap, bees, pollen, shoots) into newly developing areas.
- Encouraging lollipop tree plantings; planning highly allergic trees; planting non-native trees.
- Property owner feeling that they have no control over what takes place on their own property.
- Unnecessary fines (encourage education).
- Planting water in-efficient trees.
- Trees being removed because they are a nuisance; tree removal due to sidewalk displacement; tree removal due to insect pest.
- Situations where the public learns about proposals to remove healthy trees at the last minute and has no opportunity to protest.
- Policy/ordinance that makes Sacramento “unfriendly” for development and sends more projects to the suburbs.
- Current breakdown in communication between planning and urban forest services – this breakdown has led to the removal of many healthy trees.

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- Multiple jurisdictions; appeal process that is unreasonable.
- Uncertainty for residents as to who is responsible for which trees, particularly in medians.
- Removal of healthy trees – specifically avoid removal of healthy canopy trees next to new buildings where those trees can be trimmed and retained.
- Planting non-native species.
- Too much bureaucracy.
- Dangerous tree/property/safety conflicts with ordinance requirements.
- Forced saving of diseased trees.

**Next Steps**

Mr. Endicott reviewed the stakeholder feedback and indicated that the project team would develop a schedule for the three additional SAC meetings and field tour, and communicate that information as soon as it is available. The meeting concluded at 5 p.m.