

**Sacramento Tree Ordinance Update
Summary of Stakeholder Comments for Draft Ordinance (June 5, 2015)**

No.	Entity	Comment Category	Comment	Response
1	SCNA	Project goal	Does not meet the goal of creating a clear, concise, and transparent tree ordinance.	The Project Team will revise the draft ordinance to improve clarity, conciseness, and transparency. The Project Team will present an updated draft ordinance to stakeholders before presenting to Law & Legislation Committee and City Council to review the revised draft ordinance.
2	SCNA	Appeals	Residents would no longer have the right to appeal the removal of any city street tree that Urban Forestry has decided to remove.	To address this concern, the Project Team will revise the draft ordinance to include language from the existing ordinance section 12.56.120. Specifically, this language states: "any person who objects to the removal of a [City] street tree...is entitled to meet personally with the [Public Works] director." It should be noted that City street trees are removed on occasions where they threaten the health, safety, or welfare of the general public or where they are a threat to other trees (i.e., infected with a communicable disease). Further, City arborists are hired to make maintenance decisions regarding trees in the best interest of City residents, the tree itself, and other trees. The Public Works Department does not propose allowing appeals to a higher body to question these decisions; the director will discuss City street tree removals with City residents wishing to discuss the decision in further detail. City tree removal objections brought to the Public Works Director due to By-Right (non discretionary) projects and public projects not requiring council approval are being considered to be appealable.
3	SCNA	City maintenance responsibility	City would relinquish the care, maintenance, and liability for all city street trees located behind the back of sidewalk.	The City intends to continue the practice of maintaining City street trees located in the public right-of-way, including right-of-way located in back of the sidewalk. The Project Team will revise the ordinance to clarify the maintenance responsibility of City street trees.
4	SCNA	Dutch elm disease	The revision eliminated Chapter 12.60, which addresses the control of Dutch Elm disease on private property. Infected elms need to be removed immediately to prevent further spread of this devastating disease.	The amendment to Section 8.04.100 (Nuisances Specified section of the Nuisances Generally chapter) addresses the City's ability to classify any tree as a "nuisance" (diseased or otherwise a risk to the health, safety, or welfare of City residents, neighbors, or general public) and authorize the Public Works director to remove, cut, prune, or trim any part of a "nuisance" tree that is deemed a hazard to public safety. The current wording indicates any tree that is a threat to the general public. This section will be revised to include trees that are a threat to other trees because of a communicable disease.

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5	SCNA	Private protected tree requirement	Residents will be required to hire an arborist to determine if the trees on their property, 12 inches in diameter or greater, are private protected trees.	The Project Team presented a revised section 12.56.050 (Determination of Private Protected Tree) at the March 10, 2015 Law and Legislation Committee meeting. This revised section eliminates the requirement for residents to hire an arborist to make a private protected tree determination. The Project Team is also proposing to increase the diameter of private protected trees to 24 inches.
6	SCNA	Tree condition	What does "good" condition mean?	The Project Team will revise the definition of "private protected tree" to clarify the parameters of what qualifies as a private protected tree.
7	SCNA	Private protected tree definition	The 12-inch rule puts the City in charge of regulating trees which are small and insignificant. It seems that staff resources would be much better spent on regulating trees behind the sidewalk.	The Project Team is proposing to increase the diameter of private protected trees to 24 inches.
8	SCNA - Additions/Changes	Ordinance organization	The Tree Ordinance in the Sacramento City Code should have its own separate title instead of being listed under Title 12.	There are currently 13 active titles in the City code and 5 titles that are "reserved" for future use. Each title has chapters that generally cover discrete areas within the subject of that title. The smallest number of chapters within any title is 7 chapters in Title 13 "public services." Most titles have substantially more chapters. The Public Works Department's goal is to combine the 3 existing chapters into one. Even if left as 3 separate chapters, if they were put in a separate title, that would be an anomaly compared to how the rest of the city code is organized.
9	SCNA - Additions/Changes	Repealing chapters	Do not repeal Chapter 12.60 and Chapter 12.64.	Repealing Chapters 12.60 and 12.64 achieves the objective of simplifying the City's tree ordinance. Protection from Dutch Elm Disease is now expanded to protect trees from all diseases (amendment to Section 8.04.100). Protection of Heritage Trees, now referenced as a "Private Protected Tree," is now expanded to include the protection of any species with a trunk diameter greater than 24 inches (increased from 12 inches) measured at 4.5 feet above ground level. The previous Chapter 12.64 protected trees greater than 100 inches in circumference (about 31.8 inches in diameter) or 36 inches in circumference (about 11.5 inches in diameter) for specific, native species.
10	SCNA - Additions/Changes	Powers and duties of parks and recreation commission	Change 2.62.030 E. to: To hear appeals from the Director of Public Works relating to tree maintenance and tree removal on public and private land not a part of development (Title 17)	Tree permit appeals are proposed to be heard by a hearing officer appointed by City Council. A hearing officer will have significantly more capacity than an appointed or elected body, which must adhere to a public meeting schedule and competing priorities. Further, the hearing officer will not be an employee of the City and will have expertise in urban forestry issues, providing an objective opinion in response to the appeal.

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11	SCNA - Additions/Changes	Findings and purpose	Add to 12.56.010 (Findings and Purpose): All city street trees and public trees are protected.	The Project Team will amend section 12.56.010 to indicate trees protected under this ordinance. This includes: City street trees and private protected trees. At this time, trees located on public land, excluding the public right-of-way, are not protected under this ordinance. This will be a topic to be discussed and determined as part of the Urban Forestry Master Plan.
12	SCNA - Additions/Changes	City street tree definition	Add to 12.56.020 (Definition of city street tree): "City street tree"....City street trees are maintained by the City.	Maintenance responsibilities are not identified as part of Section 12.56.020 (Definitions). Rather, maintenance responsibility is defined in section 12.56.030 (Inspection, Maintenance, and Removal by City) and 12.56.080 (Maintenance Responsibility and Liability of Property Owner and Public Utilities). The City intends to continue the practice of maintaining City street trees and will revise the draft ordinance to clarify this point.
13	SCNA - Additions/Changes	Private protected tree definition	Change definition of private protected tree: "Private protected tree" means a tree located on private property or in a utility easement that has a diameter of 25 inches or more measured 4.5 feet above ground level or is older than 50 years. At least 60% of the canopy is live, no more than 40% of the limbs are infested with mistletoe, is free of structural root/root collar defects that would jeopardize the stability of the tree, has structural defects that cannot be addressed by ANSI A300 Standards for Tree Support Systems, whose root structure has physically been determined by a licensed structural engineer not to be causing damage to any main structure.	The Project Team will revise the definition of "private protected tree" to clarify the parameters of what qualifies as a private protected tree. In addition, the Project Team is proposing to increase the diameter of private protected trees to 24 inches.
14	SCNA - Additions/Changes	Qualified arborist definition	Change definition of qualified arborist: "Qualified arborist" means a person who has graduated from an accredited four-year college or university with major course work in arboriculture, horticulture, entomology, plant pathology, or related field, or who is a Registered Consulting Arborist with the American Society of Consulting Arborists, or who is a Board Certified Master Arborist or Certified Arborist by the International Society of Arboriculture (ISA) with current certification status.	The City Public Works department has reviewed and concluded that the current definition provides sufficient requirements to determine a qualified arborist.
15	SCNA - Additions/Changes	Qualified tree pruner definition (new)	Add new definition (qualified tree pruner): "Qualified tree pruner" means a person who is Certified Tree Worker/Climber Specialist by the ISA with current certification status or a person who has five or more years of demonstrable professional experience as an arborist and who agrees in writing to perform all work in compliance with ANSI A300 standards.	The City Public Works department has reviewed and concluded that adding this definition is unnecessary. Pruners/pruning companies having a history of not abiding by ordinance requirements can be denied during the permit application process. Property owners can also be guided to qualified companies/pruners during the permit application process.

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16	SCNA - Additions/Changes	Public trees definition (new)	Add new definition (public trees): "Public trees" shall mean and include any tree on public property excepting trees growing on a public street right-of-way.	At this time, trees located on public land, excluding the public right-of-way, are not protected under this ordinance. This will be a topic to be discussed and determined as part of the Urban Forestry Master Plan.
17	SCNA - Additions/Changes	Public Projects edits (section A)	Change Public Projects section A. as follows: A. If the city proposes to remove a city street tree and/or public trees as part of a public project during the initial design phase of the project potential tree removals will be listed on Urban Forestry website, the local neighborhood association shall be notified, the trees shall be posted with a removal sign for 30 calendar days. The sign shall indicate the posting date and when the 30 days expires, reason for removal, explanation on how to appeal a decision and who to contact to lodge an appeal. If the Project Manager cannot incorporate the trees into the project then the appeal will be reviewed by the Director of Public Works. An appellant has 10 calendar days from receiving notification of the director's decision to appeal to the Parks and Recreation Commission. Notification of appeals to the Parks and Recreation Commission shall be listed on Urban Forestry's web site; the city street trees/public trees shall be posted with a sign to notice the time, date, and location of the Parks and Recreation Commission meeting at least 10 calendar days prior to the appeal hearing.	<p>The Public Works department is considering implementing a procedure in which tree removals are posted on a City website and the local neighborhood association is notified. This procedure does not need to be codified in the revised ordinance. The decision will be determined based on an analysis of resource capacity.</p> <p>To be consistent with other City departments, the City Public Works department will post notification for 10 calendar days.</p> <p>If the agreement to perform the work for the public project requires City Council approval, the Public Works director will review the written justification and make a recommendation to City Council to either approve or deny the request to remove the City street trees. The City Council will either approve or deny the request to remove the City street trees at the time the public project is before the City Council for approval. If the agreement to perform the work does not require City Council approval, the Director, under the "Inspection, Maintenance, and Removal by City" section, would make the decision. The revised tree ordinance does not allow for an appeal in either case.</p>
18	SCNA - Additions/Changes	Tree Permit edits (Section B.1.a)	<u>Change</u> Tree Permits section B.1 as follows (Director may issue a tree pruning permit on city street trees): a. The contractor performing the work is either a qualified tree pruner or qualified arborist, has the appropriate State of CA contractor's license and appropriate liability/worker's camp insurance per City regulation . The pruning work is in compliance with ANSI 300 standards. No removal of limbs/branches greater than 4-inches in diameter for temporary equipment clearance, no line of site pruning for billboards and/or signs, no pruning for views.	In most cases, City street trees are pruned by City staff or contractors hired by the City. In cases where permit applications are received for the pruning of City street trees by the public, City staff can determine if the pruner is qualified before approving the permit.
19	SCNA - Additions/Changes	Tree Permit edits (Section B.2)	Insert <u>new</u> Tree Permits section B.2 as follows (Director may issue tree removal permit on city street trees): 2. The director may issue a tree removal permit on city street/public trees only if the following conditions are met	See comments below

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20	SCNA - Additions/Changes	Tree Permit edits (Section B.2.a)	Insert <u>new</u> Tree Permits section B.2.a as follows: a. In the case of relocation or destruction 1) the public 30 calendar day notification process (tree removal posted on Urban Forestry's website, local neighborhood association notified, tree posted with a removal sign).	The Public Works department is considering implementing a procedure in which tree removals are posted on a City website and the local neighborhood association is notified. This procedure does not need to be codified in the revised ordinance. The decision will be determined based on an analysis of resource capacity. To be consistent with other City departments, the City Public Works department will post notification for 10 calendar days.
21	SCNA - Additions/Changes	Tree Permit edits (Section B.2.b)	Insert <u>new</u> Tree Permits section B.2.b as follows: b. Any tree that is not structurally unsound which would warrant removal, and which has more than 60% live canopy, and with less than 40% of the limbs infested with mistletoe shall be mitigated at \$325 per trunk inch measured at 4.5 feet above ground level.	Section 12.56.060 1 b indicates that the director may require the applicant to plant a replacement city street tree or to pay to the city compensation for damage to or destruction of the city street tree in an amount established by resolution of the city council.
22	SCNA - Additions/Changes	Tree Permit edits (Section B.2.c)	Insert <u>new</u> Tree Permits section B.2.c as follows: c. Any person may appeal the director's decision to issue a tree removal permit for a city street/public tree. The appeal will be reviewed by the Director of Public Works. An appellant has 10 calendar days from receiving notice of the director's decision to appeal to the Parks and Recreation Commission.	To address this concern, the Project Team will revise the draft ordinance to include language from the existing ordinance section 12.56.120. Specifically, this language states: "any person who objects to the removal of a [City] street tree...is entitled to meet personally with the [Public Works] director." It should be noted that City street trees are removed on occasions where they threaten the health, safety, or welfare of the general public or where they are a threat to other trees (i.e., infected with a communicable disease). Further, City arborists are hired to make maintenance decisions regarding trees in the best interest of City residents, the tree itself, and other trees. The Public Works Department does not propose allowing appeals to a higher body to question these decisions; the director will discuss City street tree removals with City residents wishing to discuss the decision in further detail. City tree removal objections brought to the Public Works Director due to By-Right (non discretionary) projects and public projects not requiring council approval are being considered to be appealable.

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23	SCNA - Additions/Changes	Tree Permit edits (Section B.3)	<p>Insert <u>new</u> Tree Permits section B.3 (analogous to revised draft ordinance section B.2) as follows:</p> <p>3. The director shall issue tree removal permits for private protected trees if: a. In the case of destruction or relocation, 1) that the private protected tree must be destroyed or relocated to use the property for any proposed use permitted as of right and that the use could not be made of the property unless the private protected tree is destroyed or relocated taking into account any modifications or revisions to the proposed use that would effectuate its basic project objectives and also preserve the protected tree 2) if a licensed structural engineer provides physical evidence that the private protected tree or its roots are causing damage to any main structure on the property.</p>	<p>The City Public Works department has reviewed and concluded that the current language provides sufficient requirements to determine issuance of a tree permit for a private protected tree. The cost of obtaining a licensed structural engineer to determine damage to property would be a burden on property owners. The City is unaware of other cities requiring a structural engineer to assess tree root damage.</p>
24	SCNA - Additions/Changes	Tree Permit edits (Section B.5)	<p>Change Tree Permits section B.5 as follows:</p> <p>5. If the director issues a permit to destroy or relocate a private protected tree, the director shall post notice of the permit issuance for 10 calendar days in a conspicuous place in proximity to the tree and shall be mailed to the applicant and all owners of real property located within a five hundred (500) foot radius of the real property upon which the private protected tree is located. Any person may appeal the decision to issue the permit in accordance with the provisions of section 12.56.070. A permit shall not be effective until expiration of the 10 day notice period or final resolution of all appeals, whichever is later.</p>	<p>The Public Works Department is providing notice to adjacent property owners, in addition to posting a notice in a conspicuous place in proximity to the tree. If the tree is located in a private residence backyard, the notice will be posted in the front yard.</p> <p>Under section 12.56.070 (Appeals), any person may appeal the decision to issue a permit to destroy or relocate a private protected tree. This language is unnecessary under the Tree Permit section. The Public Works department is considering codifying the notification mailing to property owners within the area. However, distance may be less than 500 ft. and only allowing property owners within the area to appeal the tree removal.</p>
25	SCNA - Additions/Changes	Maintenance Resp. edits (Section A)	Delete Maintenance Resp. section A.	<p>The City intends to continue the practice of maintaining City street trees. The Project Team will revise the ordinance to clarify the maintenance responsibilities.</p>
26	SCNA - Additions/Changes	Maintenance Resp. edits (Section B)	<p>Delete phrase in Maintenance Resp. Section B./new edit reads as follows:</p> <p>The owner of any lot adjacent to a street or alley, at their own expense, shall keep all trees on the lot, including utility easement trees and city street trees, trimmed in the following manner...</p>	<p>The City intends to continue the practice of maintaining City street trees. The Project Team will revise the ordinance to clarify the maintenance responsibilities.</p>

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27	SCNA - Additions/Changes	New section (Protection of Trees)	<p>Retain existing Chapter 12.56.060 Protection of trees. Add under C.:</p> <p>7. No removal of limbs greater than 4-inches in diameter for temporary equipment clearance.</p> <p>8. During new building or renovation construction City street trees will be protected by the installation of 6ft. tall chain link fencing dimension of fencing shall be determined by the Director and the fence poles shall be set into the ground</p>	<p>The Project Team is considering retaining the existing Chapter 12.56.060 Protection of Trees section.</p> <p>New items suggested do not need to be codified. Rather, this information will be collected as part of the permit process (new item #7) or will be a condition of permit approval (new item #8).</p>
28	SCNA - Additions/Changes	New section (Control of disease or infestation of trees on private property)	<p>Add new section called Control of disease or infestation of trees on private property:</p> <p>Upon discovery of any destructive or communicable disease or pestilence which endangers the growth, health, life or wellbeing of trees or plants in the City, or which is capable of causing an epidemic spread of a communicable disease or insect infestation the Director shall at once serve written notice to be served upon the owner of the property upon which such diseased tree is situated, which notice shall require such property owner to eradicate, remove, or otherwise control such condition within reasonable time to be specified in such notice.</p>	<p>The amendment to Section 8.04.100 (Nuisances Specified section of the Nuisances Generally chapter) addresses the City's ability to classify any tree as a "nuisance" (diseased or otherwise a risk to the health, safety, or welfare of City residents, neighbors, or general public) and authorize the Public Works director to remove, cut, prune, or trim any part of a "nuisance" tree that is deemed a hazard to public safety. The current wording indicates any tree that is a threat to the general public. This section will be revised to include trees that are a threat to other trees because of a communicable disease.</p>
29	SCNA - Additions/Changes	New section (Director authorized to enter private property)	<p>Add new section called Director authorized to enter private property:</p> <p>In order to accomplish the purposes of this Chapter, the Director is hereby authorized to go upon any property in the City for the purpose of inspecting trees, shrubs, and other plants.</p>	<p>Requirements to enter private property due to a tree nuisance issue is referenced in the Nuisances Generally section 8.04.110 through 8.04.270</p>
30	SCNA - Additions/Changes	New section (Parking lot shade trees)	<p>Add new section titled Parking lot shade trees:</p> <p>Per Title 17 Chapter 17.612.040 Tree shading requirements for parking lots. Pruning/removal permits shall be required for all parking lot shade trees required under this section. Any required trees or other plantings that die or are improperly maintained shall be replaced with health specimens of similar species and size, provided that the replacement trees shall not be required to exceed 48 inch box size. Removal of trees that have caused damage to sidewalks or other infrastructure must be approved by the director and provided there are no alternative means to mitigate the damage or threatened damage while minimizing the impact on the tree. Alternative means of mitigation include root pruning, installing a root barrier, pruning the tree canopy ,or altering the planter to accommodate the tree/roots.</p>	<p>There are concerns related to current parking lot shade tree requirements/guidelines. This topic will be addressed as part of the Urban Forestry Master Plan.</p>

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31	SCNA - Additions/Changes	New section (Trees on commercial properties)	<p>Add new section titled Trees on commercial properties: All trees on commercial sites that were a condition of approval under Title 17 are protected trees and shall require permits for pruning and removal.</p>	<p>The Public Works Department will consider incorporating this item in the revised definition of "private protected tree" or other section of the revised ordinance.</p>
32	SCNA - Additions/Changes	New section (Establishment of Urban Forestry Citizen Advisory Group)	<p>Add new section titled Establishment of Urban Forestry Citizen Advisory Group: The Citizen Advisory Group will be charged with:</p> <ol style="list-style-type: none"> 1. Advising the Mayor, Council, and appropriate City Departments on urban forestry concerns. 2. Review of project plans for major publicly sponsored developments, civic improvements, and changes to the public right-of-way relative to their projected impact on trees and make recommendations regarding these projects to the Mayor and appropriate City Departments. 3. Encourage early and continuous public participation in urban forestry projects and programs. 4. Provide a regular forum, according to an established, publicized agenda, of scheduled topics for public discussion of urban forestry issues. 5. Assist with the development of Policies that affect trees. 6. Be the hearing body to hear appeals from the Director of Public Works relating to tree maintenance and tree removal on public and private land. <p>The Citizen Advisory Group shall be composed of 12 members, 11 voting members. The City's Urban Forester/Tree Superintendent shall act as Chair and serve as a nonvoting member. Each Council Member and the Mayor shall appoint one member, one representative from the Sacramento Tree Foundation, one representative from S.M.U.D.</p>	<p>The City's current position is not to add any new committees, including a Citizen Advisory Group. This topic will be addressed as part of the Urban Forestry Master Plan.</p>

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33	SCNA - Additions/Changes	New section (Tree Planting)	<p>Add new section titled Tree planting:</p> <ol style="list-style-type: none"> 1. Develop a realistic, workable tree planting plan designed to establish and maintain an appropriate tree canopy based on standards recommended by American Forests: 15 %for commercial areas, 25% for urban residential, 60% for suburban, with a goal of 40% on average. 2. Prohibit the planting or cultivation of the following trees a) any cotton bearing cottonwood tree (Genus populus) b) any boxelder tree (Acer negundo). 3. Native, drought tolerant tree species shall constitute 10% of street/public trees when planting new trees or replacing trees that have been removed. 4. A fee of \$300 shall be collected for every new subdivision lot and the City shall provide for the planting of trees within the park strip and those lots without park strips in the utility easement of any new subdivision. 5. The director shall provide for the planting of trees in the utility easement of existing homes. 	<p>Preceding, or in conjunction with, preparation of the Urban Forestry Master Plan, the City intends to prepare a host of public resources that will assist in increasing protection of the City's tree canopy, including: approved and prohibited tree lists; tree care guidelines; arboricultural specifications and standards; and thirst rating guidelines.</p>
34	SCNA - Additions/Changes	New section (Amendments/Changes to Chapter 12.56)	<p>Add new section titled Amendments/Changes to Chapter 12.56: Adding and/ or repealing any sections or Chapters of this code requires a 30 day notification process (posted on Urban Forestry website and notification to neighborhood associations).</p>	<p>The Public Works department will use a process similar to the current process for addressing ordinance changes. This process is not necessary to include in the revised draft ordinance.</p>
35	SCNA - Additions/Changes	Chapter 12.60 Dutch elm disease	Do not repeal Chapter 12.60	<p>Repealing Chapter 12.60 achieves the objective of simplifying the City's tree ordinance. Protection from Dutch Elm Disease is now expanded to protect trees from all diseases (amendment to Section 8.04.100).</p>
36	Upper Land Park Neighbors	Heritage trees	Retain and clarify existing heritage trees section, with emphasis on tree canopy.	<p>Repealing Chapter 12.64 achieves the objective of simplifying the City's tree ordinance. Protection of Heritage Trees, now referenced as a "Private Protected Tree," is now expanded to include the protection of any species with a trunk diameter greater than 24 inches (increased from 12 inches) measured at 4.5 feet above ground level. The previous Chapter 12.64 protected trees greater than 100 inches in circumference (about 31.8 inches in diameter) or 36 inches in circumference (about 11.5 inches in diameter) for specific, native species.</p>
37	Upper Land Park Neighbors	Public trees	<p>Add definition for a "public" tree (on city-owned properties) and require same decision-criteria for removals. Public tree would use same permit approval process (but no fee) and require notification and appeal.</p>	<p>At this time, trees located on public land, excluding the public right-of-way, are not protected under this ordinance. This will be a topic to be discussed and determined as part of the Urban Forestry Master Plan.</p>

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38	Upper Land Park Neighbors	Utility easement trees	Eliminate preference for SMUD to remove trees under SMUD utility line with only Director review. These trees should be treated the same as other trees.	Utility companies are required to get permission from the Director for city street trees and private protected tree removals, as specified in the revised draft ordinance.
39	Upper Land Park Neighbors	Tree permits	Clarify types of permits and specific minimum requirements for each. (Attachment #1 shows permit types and required criteria by type of tree, including: city street tree, public tree, private protected tree, parking lot tree, heritage tree. Attachment also shows project types such as discretionary projects and development projects). Clarify permits from the applicant's perspective for the public to understand what is required. For example: 1) city projects; 2) development projects; 3) city- owned properties (park land, open space); 3) private property owners, residential single family. Another option is to break out by tree type, e.g. city street tree, public tree, private protected tree.	The Project Team will revise section 12.56.060 (Permits) to achieve clarity. We will review an updated draft ordinance with stakeholders before presenting to Law & Legislation Committee and City Council.
40	Upper Land Park Neighbors	Tree permits	Include factual criteria for permit application, e.g. use "structural condition" vs. "good condition." Other factual criteria includes "present and future shade potential."	The Project Team will revise the definition of "private protected tree" to clarify the parameters of what qualifies as a private protected tree.
41	Upper Land Park Neighbors	Tree permits	Include permit approval criteria in the ordinance for City staff to use when determining whether or not a tree should be retained or demolished. Factual criteria should be used by the City to determine tree removals and/or appeals, including tree canopy loss.	Suggested criteria does not need to be codified. Rather, this information will be collected and reviewed as part of the permit process.
42	Upper Land Park Neighbors	Tree permits	Require consideration of public comments, if any, in the decision-making process. As proposed, the Director is not required to consider public comments before making a decision.	The Public Works director considers all public comments submitted as part of the department's standard operating procedures for making tree-permit decisions. This procedure, which does not need to be codified, will remain unchanged. The Project Team will be revising the draft ordinance to include language from the existing ordinance section 12.56.120. Specifically, this language states: "any person who objects to the removal of a [City] street tree...is entitled to meet personally with the [Public Works] director."
43	Upper Land Park Neighbors	Notification	Require website listing of all requested tree removals permits being considered - dates, decision, justification for removal. (Similar to Planning Department's listing of projects.)	The Public Works department is considering implementing a procedure in which tree removals are posted on a City website. This procedure does not need to be codified in the revised ordinance. The decision will be determined based on an analysis of resource capacity.
44	Upper Land Park Neighbors	Notification	Add definition of a "public tree" to ordinance, and require notification if proposed for removal.	At this time, trees located on public land, excluding the public right-of-way, are not protected under this ordinance. This will be a topic to be discussed and determined as part of the Urban Forestry Master Plan.

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45	Upper Land Park Neighbors	Appeals	Continue Parks and Recreation Commission responsibility to hear non-development (Title 17) tree removals. The PRC has expertise on trees in City parks and is the logical place to appeal these appeals.	Tree permit appeals are proposed to be heard by a hearing officer appointed by City Council. A hearing officer will have significantly more capacity than an appointed or elected body, which must adhere to a public meeting schedule and competing priorities. Further, the hearing officer will not be an employee of the City and will have expertise in urban forestry issues, providing an objective opinion in response to the appeal.
46	Upper Land Park Neighbors	Tree permits	Increase permit requirement to 25 inches.	The Project Team is proposing to increase the diameter of private protected trees to 24 inches.
47	Upper Land Park Neighbors	Tree permits	Implement simplified permit process for minor maintenance on private protected trees and no cost for maintenance on city street trees. Retain City maintenance of trees within the City's right of way (part of the Landscaping and Lighting Assessment.)	The revised ordinance does not require a permit for minor pruning. The City intends to continue the practice of maintaining City street trees located in the public right-of-way. The Project Team will revise the ordinance to clarify the maintenance responsibility of City street trees.
48	Upper Land Park Neighbors	Tree permits	Eliminate fee for tree permits. Property owners are already paying a fee -which rises over time-to pay for trees.	All City residents pay an assessment (rather than a fee) to fund the ongoing care and maintenance of street trees within the public right-of-way. In contrast, a tree permit fee would be assessed in order to cover all aspects of administration related to issuing a permit for regulated work on a city street tree or private protected tree. Actual fee amounts will be determined by resolution of city council.
49	Upper Land Park Neighbors	Tree canopy	No consideration of tree canopy in permit process decision-making. Consider adding: "The Urban Forester shall conduct a tree assessment, in partnership with the public and other governmental entities if appropriate, to ascertain the status of the City's tree canopy and ways to improve the City's tree canopy. The assessment shall include, but is not be limited to, the number of existing trees, number of additional sites for new tree plantings, and the existing and future urban tree canopy. An assessment shall be conducted at least every four years or more frequently, and be presented publicly before the appropriate advisory body and/or City Council."	Section 12.56.010 (Findings and Purpose) of the revised tree ordinance indicates that the purpose of the chapter is to maintain the "optimum sustainable amount of canopy cover in the city..." The Urban Forestry Master Plan will address specific details regarding how to monitor, evaluate, and report, by community plan area and citywide, the entire tree canopy for the purpose of maintaining and enhancing trees and identifying opportunities for new plantings.

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No.	Entity	Comment Category	Comment	Response
50	Upper Land Park Neighbors	Qualified Arborists	<p>Add language to improve arborist services: "The City shall require arborists and tree maintenance companies that work within the City of Sacramento to register with Public Works Department. Registration shall include, at a minimum, proof showing that they meet the definition of arborist and agreement to abide by the City Tree Ordinance and any rules and regulations established by the City. An Arborist Registration List and a Tree Maintenance Companies List shall be posted on the City's website listing registered arborists and their commitment to follow the City Tree Ordinance. If the City determines that an arborist or company is not abiding by the City's Tree Ordinance, he or she shall be deleted from the City's Register."</p>	<p>The existing ordinance contained similar language. However, the language posed a potential legal issue if the City excluded any arborists or tree maintenance companies that did not register. The Public Works department will address this concern procedurally, rather than codify in the ordinance, by screening arborists and tree maintenance companies during the permit process. The permit application will require information related to the entity performing the maintenance. The Public Works department can ensure that the entity has current, required certifications. Further, section 12.56.090 (Violations) will allow the Public Works department to enforce fines on any entity not following ANSI A300 guidelines.</p>
51	Upper Land Park Neighbors	Tree Preservation Fund	<p>Add language to ensure services and tree planting throughout the City: "A Tree Preservation Fund is established for the City of Sacramento for the purpose of protecting Heritage trees and expanding the number of trees throughout the City. A portion of the monies received from the Lighting and Landscape Assessment Fee and any and any fines for illegally removing private protected trees, public trees, Heritage trees or city street trees shall be used. Except as provided in this section, under no circumstances shall the funds identified by the City Treasurer for the Tree Preservation Fund be directed to any other purpose other than for tree planting and public education programs regarding trees, and maintenance for Heritage Trees on private property. Tree Preservation Fund monies may be directed to local neighborhood organizations and other non-profit organizations for these purposes "</p>	<p>This topic will be addressed further as part of the Urban Forestry Master Plan. Funds from the Lighting and Landscape Assessment Fee are not eligible to protect private trees.</p>
52	Upper Land Park Neighbors	Tree Technical Manual	<p>Add language for better public access: "The Department of Public Works, shall issue regulations necessary for the implementation of this chapter, which shall be known as the Tree Technical Manual. The Manual will be made readily available to the public for a better understanding of the importance of trees and tree requirements. The manual shall include, but not limited to, standards and specifications regarding: a) protection of trees, e.g. during construction; b) appropriate replacement trees for the removal of trees; c) maintenance of protected trees, including pruning, irrigation, and protection from disease; d) the tree application and permit process. The manual shall be reviewed by the Planning Commission and the Parks and Recreation Commission in order to provide public input before issuance "</p>	<p>Preceding, or in conjunction with, preparation of the Urban Forestry Master Plan, the City intends to prepare a host of public resources that will assist in increasing protection of the City's tree canopy, including: approved and prohibited tree lists; tree care guidelines; arboricultural specifications and standards; and thirst rating guidelines. These resources will include the standards and specifications identified.</p>

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No.	Entity	Comment Category	Comment	Response
53	Upper Land Park Neighbors	Expand responsibility for enforcement	Add language for better enforcement: The following designated employee positions shall enforce the provisions of this chapter by the issuance of citations: chief building official or designees, code enforcement officers, Public Works Director or designees.	The City Public Works department has reviewed and concluded that this level of specificity is not needed.
54	Friends of the Swainson's Hawk/ SAC member	Appeals of City street trees	Removes citizen appeals of city decisions to remove trees on City property (except where there is a project requiring discretionary decision-making).	To address this concern, the Project Team will revise the draft ordinance to include language from the existing ordinance section 12.56.120. Specifically, this language states: "any person who objects to the removal of a [City] street tree...is entitled to meet personally with the [Public Works] director." It should be noted that City street trees are removed on occasions where they threaten the health, safety, or welfare of the general public or where they are a threat to other trees (i.e., infected with a communicable disease). Further, City arborists are hired to make maintenance decisions regarding trees in the best interest of City residents, the tree itself, and other trees. The Public Works Department does not propose allowing appeals to a higher body to question these decisions; the director will discuss City street tree removals with City residents wishing to discuss the decision in further detail. City tree removal objections brought to the Public Works Director due to By-Right (non discretionary) projects and public projects not requiring council approval are being considered to be appealable.
55	Friends of the Swainson's Hawk/ SAC member	Tree maintenance responsibility	Shifts responsibility for the City's urban forest to property owners with the prospect of much greater level of citizen/city conflict in the future over trees.	The City intends to continue the practice of maintaining City street trees located in the public right-of-way. The Project Team will revise the ordinance to clarify the maintenance responsibility of City street trees.
56	Friends of the Swainson's Hawk/ SAC member	Private protected tree criteria	Expands "protected tree" definition to more trees but with lots of wiggle words. Criteria explicitly rejected by stakeholders, e.g. "good condition" - and criteria never discussed e.g. "location allowing long term preservation." I have been advised by arborists that the benefits of a mature tree will persist for decades with proper care without the criteria of "good condition" being met. Note: Excerpt from recent arborist report demonstrates that "good" is the highest rating in the guide. It suggests that the City's intent in this ordinance update is to allow average trees to be removed.	The Project Team will revise the definition of "private protected tree" to clarify the parameters of what qualifies as a private protected tree.

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57	Friends of the Swainson's Hawk/ SAC member	Tree canopy	Does not take an urban forestry canopy management approach.	Section 12.56.010 (Findings and Purpose) of the revised tree ordinance indicates that the purpose of the chapter is to maintain the "optimum sustainable amount of canopy cover in the city..." The Urban Forestry Master Plan will address specific details regarding how to monitor, evaluate, and report, by community plan area and citywide, the entire tree canopy for the purpose of maintaining and enhancing trees and identifying opportunities for new plantings.
58	Friends of the Swainson's Hawk/ SAC member	Stakeholder concerns	Does not respond to concerns of the stakeholder group.	More details are needed in order to understand which concerns are not being addressed by the revised ordinance.
59	Friends of the Swainson's Hawk/ SAC member	Tree canopy	Does not establish a clear and mandatory mitigation program to ensure sustainability of the urban forest canopy.	Section 12.56.060 (Tree Permits) addresses mitigation requirements pertaining to the damage and destruction of City street trees or private protected trees. Section 12.56.060.B.1.b indicates "the director may condition any permit issued for regulated work on city street trees...including requiring the applicant to plant replacement city street trees or to pay to the city compensation for damage or destruction..." Section 12.56.060.B.3 indicates "the director may require replacement as a condition of issuance of a permit to remove a private protected tree..." The specific details regarding compensation values and replacement ratios will be determined through separate resolutions adopted by City Council.
60	Friends of the Swainson's Hawk/ SAC member	General Plan	Is not consistent with General Plan goals.	Section 12.56.010 (Findings and Purpose) of the revised tree ordinance indicates that the purpose of the chapter is to maintain the "optimum sustainable amount of canopy cover in the city...by implementing the urban forest and other goals in the general plan and approved urban forestry master plan." The Urban Forestry Master Plan will address specific details regarding how to monitor, evaluate, and report, by community plan area and citywide, the entire tree canopy for the purpose of maintaining and enhancing trees and identifying opportunities for new plantings.
61	Friends of the Swainson's Hawk/ SAC member	CEQA	Is not consistent with CEQA. No baseline; no impact analysis; no mitigation.	Updating the City's tree ordinance does not fall under the provisions of the California Environmental Quality Act (CEQA) because it is not a discretionary project proposed to be conducted or approved by a California public agency. Individual discretionary projects, including those that affect protected trees under the revised ordinance, will require CEQA review.

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62	Sacramento Tree Foundation	Tree canopy	Educating private citizens and establishing an incentive program to meet City standards is the best approach to protecting the city's existing tree canopy.	The City Public Works department supports increasing information to help the general public better protect the City's existing tree canopy. The Project Team has recommended that the City develop and implement a communications and outreach program that utilizes multiple media formats (website, social media, printed publications) to increase understanding by residents, businesses, and other stakeholders about the roles they will play in helping the City to achieve its tree-related goals. In addition, this topic, as well as potential incentive programs to meet City standards, will be addressed further as part of the Urban Forestry Master Plan.
63	Sacramento Tree Foundation	Tree permits	Recommend the City substitute the requirement for a city permit for pruning private protected trees with a "no-topping" provision and issuing free permits to remove qualified trees.	Topping is an unacceptable practice that is explicitly prohibited as a standard pruning technique under ANSI A300 standards. Currently, city staff, city contractors, and all persons performing work on protected trees under a permit issued by Urban Forestry are required to adhere to ANSI A300 standards and this will continue to be the case in the future. Staff is considering adding language to the proposed ordinance stating that topping and all detrimental practices explicitly prohibited by ANSI 300 would constitute a violation of the ordinance unless authorized by the director as a condition of a permit.
64	Sacramento Tree Foundation	Tree permits	Typical removal can be costly and time-consuming as proposed in the revised ordinance. We recommend for private protected trees that qualify under the ordinance for removal that the city provide free inspection and a free removal permit.	The specific details regarding compensation values and replacement ratios related to conditions of permit approval will be determined through separate resolutions adopted by City Council.
65	Sacramento Tree Foundation	Tree permits	Recommend the ordinance allow the pruning of private protected trees without a city permit.	The Public Works Department wants to ensure trees with diameters greater than 24" (proposed to be increased from 12") are being pruned properly. It will be more effective to oversee proper pruning if permits are required. The Public Works Department will consider the possibility of having a lower permit price for pruning (versus removal). This would be determined through separate resolutions adopted by City Council.
66	Karen Jacques	Findings and purpose	Findings and Purpose section should include a statement that [trees] are an integral part of "complete streets."	This section of the revised ordinance references providing "for the conservation of trees, to optimize tree canopy coverage, to ensure the city attains the benefits provided by trees, and to recognize and provide for the development and use of private property by establishing and maintaining the optimum sustainable amount of canopy cover in the city, by...implementing the urban forest and other goals in the general plan and approved urban forestry master plan." The ordinance references adherence to specific policies, including complete streets policies, contained within the general plan or future urban forestry master plan. This section does not need to directly reference complete streets.

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No.	Entity	Comment Category	Comment	Response
67	Karen Jacques	Findings and purpose	Findings and Purpose section should specify optimizing canopy coverage in each community plan district rather than the city as a whole, and should identify canopy coverage goals.	The Findings and Purpose section of the revised tree ordinance indicates that the purpose of the chapter is to maintain the "optimum sustainable amount of canopy cover in the city..." The Urban Forestry Master Plan will address specific details regarding canopy coverage goals by neighborhood or district.
68	Karen Jacques	City street tree definition	This definition needs to include a statement that these trees are planted and maintained by the city.	Maintenance responsibilities are not identified as part of Section 12.56.020 (Definitions). Rather, maintenance responsibility is defined in section 12.56.030 (Inspection, Maintenance, and Removal by City) and 12.56.080 (Maintenance Responsibility and Liability of Property Owner and Public Utilities).
69	Karen Jacques	Private protected tree definition	For clarity, it should be stated that this category includes trees that were previously classified as "heritage trees". The criteria "good condition, free of substantial defects" are much too vague and leave the door open to exclude any tree that a property owner wants to get rid of. More objective criteria are needed including the criteria suggested by the Curtis Park Neighborhood Association that: at least 60% of the canopy is live, no more than 40% of the limbs are infested with mistletoe, free of structural or root/root collar defect that would jeopardize the stability of the tree, has a root structure that a structural engineer has determined is not causing damage to any main structure. Trees fifty years old or older should be included as 'private protected trees' regardless of diameter so as to protect species that, by nature, have small diameters when fully mature. The criterion "is in a location that allows for long term preservation" should be removed. It is vague and can be used to justify denying protection to virtually any tree that might be in the way of anything that an owner might want to build at any time in the future.	The Project Team is working on re-defining private protected trees. The definition will not state that this category included trees previously classified as heritage trees.
70	Karen Jacques	Routine maintenance definition	This definition includes application of insecticides or herbicides. Given the toxicity of some of these products, are there any City guidelines as to which are safer and should be used? If so, they should be included here.	The ordinance should not include City guidelines related to insecticides or herbicides. Rather, if the City has guidelines, they will be included in a separate technical guidelines document. This will be discussed in further detail as part of the Urban Forestry Master Plan. The City is proposing to add the following words to the routine maintenance definition: "...application of fertilizer, insecticides or herbicides in accordance with its label".

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71	Karen Jacques	Qualified tree pruner definition	This is a category that is not currently included in the Definitions Section, but needs to be. The Curtis Park Neighborhood Association has provided a good definition that reads as follows: "Qualified tree pruner means a person who is certified a Tree Worker/Climber Specialist by the International Society of Arboriculture (ISA) with current certification status or a person who has five or more years of demonstrable professional experience as an arborist and who agrees in writing to perform all work in compliance with ANSI A300 standards,"	The City Public Works department has reviewed and concluded that adding this definition is unnecessary. Pruners/pruning companies having a history of not abiding by ordinance requirements can be denied during the permit application process. Property owners can also be guided to qualified companies/pruners during the permit application process.
72	Karen Jacques	Inspection, maintenance, and removal by City	This section should include a paragraph stating that staff or contractors hired by the City will meet ANSI A300 standards and meet the definitions of qualified arborist and qualified tree pruner.	It's Public Works policy for staff performing work related to trees to meet the standards and qualifications of this ordinance and does not need to be codified. Standards and qualifications for contractors performing work for the city are described in the contractual agreements.
73	Karen Jacques	Inspection, maintenance, and removal by City	There needs to be a mechanism whereby members of the public can ask that contract work be stopped until a City staff person with the necessary experience and training can come out and inspect.	The public can call 311. There is a City staff supervisor assigned to each project. This person is typically accessible quickly.

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74	Karen Jacques	Public Projects	<p>The public must be able to appeal a decision by City staff to remove public street trees. Notice should be for thirty (not ten) days as used to be the case. It should be posted at the site of the tree or trees and on the Urban Forest Services portion of the City website and should be sent to the relevant neighborhood association(s). Notice should include: reason for removal, date notice was posted, date the thirty day appeal period ends and how to file an appeal. Appeals should continue to be heard by the Parks and Recreation Commission (Item E of Section 2.62.030 should not be repealed as is currently proposed) or, alternatively, a Tree Commission should be established to hear all tree appeals except those that are part of the Title 17 entitlement process.</p>	<p>Appeal of City street trees. To address this concern, the Project Team will revise the draft ordinance to include language from the existing ordinance section 12.56.120. Specifically, this language states: "any person who objects to the removal of a [City] street tree...is entitled to meet personally with the [Public Works] director." It should be noted that City street trees are removed on occasions where they threaten the health, safety, or welfare of the general public or where they are a threat to other trees (i.e., infected with a communicable disease). Further, City arborists are hired to make maintenance decisions regarding trees in the best interest of City residents, the tree itself, and other trees. The Public Works Department does not propose allowing appeals to a higher body to question these decisions; the director will discuss City street tree removals with City residents wishing to discuss the decision in further detail. City tree removal objections brought to the Public Works Director due to By-Right (non discretionary) projects and public projects not requiring council approval are being considered to be appealable.</p> <p>Noticing period. To be consistent with other City departments, the City Public Works department will post notification for 10 calendar days.</p> <p>Noticing protocol. The Public Works department is considering implementing a procedure in which all tree removals are posted on a City website. This procedure does not need to be codified in the revised ordinance. The decision will be determined based on an</p>
75	Karen Jacques	Public Projects	<p>There should be a paragraph added to this section that speaks to the responsibility of City staff to protect City trees and, where necessary, consult with Urban Forest staff when working on projects that might negatively impact such trees</p>	<p>It's Public Works policy to protect trees and to coordinate with urban forestry staff when projects impact trees. The city does not believe this needs to be codified.</p>
76	Karen Jacques	<p>Determination of Private Protected Tree/Tree Permits</p>	<p>As currently written, it appears that property owners wanting to do anything but minor maintenance on a tree that may qualify as a "private protected tree" must go through a cumbersome two step process in which they pay a qualified arborist to determine whether a tree is or is not a "private protected tree" and, if it is, pay the arborist to prepare a second report about the impacts of whatever they want to do on the tree and the mitigation required. This process needs to be streamlined.</p>	<p>The Project Team presented a revised section 12.56.050 (Determination of Private Protected Tree) at the March 10, 2015 Law and Legislation Committee meeting. This section was intended to clarify the permits required for private protected trees.</p>

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77	Karen Jacques	Tree Permits	Part 1 of this section deals with work on or removal of a city street tree and part 2 deals with the same issues for "private protected tree". Both contain vague language, 'health' and 'desirable species' that create loopholes and both need to be clearly defined. My comments under 12.56.020 include a recommended definition of 'health'. With regard to 'desirable' species there need to be clear criteria as to what makes a species 'desirable' or 'undesirable' and in what settings. What about trees that are members of an 'undesirable species', but are healthy, not causing problems and providing shade? Given the seriousness of global warming and drought, is being a member of a particular species reasonable grounds for removing a tree? Roots causing damage to a structure' needs to be confirmed by a licensed structural engineer.	Language used in part 1 (removal of street trees) and part 2 (removal of private trees) is consistent with the ordinances of other cities that protect trees. There will always be discretion when determining if a tree is healthy. The city is preparing a list of undesirable species and is considering codifying it by having it approved through resolution. The cost of obtaining a licensed structural engineer to determine damage to property would be a burden on property owners. The City is unaware of other cities requiring a structural engineer to assess tree root damage.
78	Karen Jacques	Tree Permits	Mitigation for the removal of a tree or trees includes planting replacement trees or paying the city compensation. There need to be guidelines about the minimum size of replacement trees and about how financial compensation is calculated.	Specific guidelines regarding the minimum size of replacement trees and how compensation values are determined will be addressed in the resolutions referenced in the revised ordinance. The resolutions will be adopted by City Council separately from the adoption of the revised ordinance.
79	Karen Jacques	Tree Permits	It is unclear what item 3 in this section is talking about.	Section 3 states: "The director may require replacement as a condition of issuance of a permit to remove a private protected tree as established by resolution of the city council."
80	Karen Jacques	Appeals	With the exception of Title 17 projects, there is no reason for the Planning and Design Commission to add tree appeals to its already full agenda. The Parks and Recreation Commission handled these appeals in the past and should continue to do so. (Item E of Code Section 2.26.030 should not be repealed.) The only other alternative is to create a Tree Commission to handle such appeals.	The revised ordinance does not add tree appeals to the Planning and Design Commission other than Title 17 projects. Tree permit appeals that currently go to the Parks and Planning Commission in the existing ordinance are proposed to be heard by a hearing officer appointed by City Council. A hearing officer will have significantly more capacity than an appointed or elected body, which must adhere to a public meeting schedule and competing priorities. Further, the hearing officer will not be an employee of the City and will have expertise in urban forestry issues, providing an objective opinion in response to the appeal.

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81	Karen Jacques	Maintenance responsibility and liability of property owners and public utilities	This section of the proposed ordinance needs to be eliminated. Historically the City has been responsible for the maintenance of and assumed liability for these trees and should continue to do so. Placing maintenance responsibility and liability on property owners runs the risk of these trees not receiving adequate maintenance and of owners choosing to remove them (likely without permits) because they don't want the cost or the liability. Like everyone else, these property owners pay taxes for landscape (including tree maintenance) and lighting and should get the services they are paying for.	The revised ordinance does not change the policies regarding maintenance responsibility in the existing ordinance.
82	Kate Riley	Inclusion of a legacy tree program	Create incentives for property owners to plant trees that are: Appropriately sited; Appropriate species; At maturity over 45 feet high; Life span over 50 years.	Program to be discussed during the development of the Urban Forestry Master Plan and implemented separately.

comments