

Community Feedback to Protected Tree Ordinance Draft
June 23 - Augst 23, 2024

#	Comment	Summarized Categories	Topic/ Section
1	The ordinance is very long and too complicated for the average person to comprehend. This draft ordinance requires an applicant to cross reference multiple times to figure out what is required.	Ordinance Layout/Language	Cross-references
2	The grammar in some of provisions makes the meaning unclear.	Ordinance Layout/Language	Terminology/Grammar
3	There are so many cross references some of which are not included as appendices	Ordinance Layout/Language	Ordinance unclear
4	Many people would not know how to multiply the diameter by pi (3.14) to figure out the circumference. Why not use the circumference in all provisions?	Information/Clarification	Arboriculture
5	Too much authority is given to the Planning Director who or may not have the required education/knowledge/ practical experience to make the judgments. A better option would be to have the Resource Management Dept. make decisions	Information/Clarification	Authority of Planning Director
6	This ordinance does little to stop developers removing trees, and in fact makes it easier for them	Information/Clarification	Ease of removing trees for developers
7	There should be a provision as to time of year that work is done to protect nesting birds. Protected trees often harbor many species and a provision should be included to protect wildlife in those trees.	Recommendation	Seasonal/timing limitations on tree removal and pruning
8	One area that needs very special protection is riparian sites. Most of the trees along San Francisquito creek have been removed: many totally illegally, which has exacerbated bank collapse and flooding. This has also virtually eliminated all wildlife that used to be abundant.	Information/Clarification	Riparian area protection
9	The heritage tree provisions have been drastically changed and the new provisions penalize an owner instead of rewarding them for classifying a tree as heritage to protect it. Furthermore there is no viable way presently to make the classification.	Information/Clarification	Heritage tree provision
10	Has this draft been sent to local Arborist companies? If not, why not?	Information/Clarification	Distribution of Tree Ordinance Public Draft
11	The proposed procedure is so complicated and expensive that it will be ignored and given the past history of lack of enforcement, trees may well be more at risk that previously.	Comment	Enforcement of the Ordinance
12	It is all very well to have an ordinance, but numerous times I have taken pictures of illegal tree removal: complete with address and offending company, and not only has there been no enforcement, but the complaint was ignored or marked invalid. The County has to make some commitment that: (a) they have someone in Planning with the requisite skill to know about trees and the environment – which does not exist presently. (b) the county will not just rubber stamp a paid arborist's assertion that a tree is damaged or is a threat. (c) Planning dept. staff will NOT approve impermeable surfaces such as concrete within a protected tree's canopy even if that tree is on adjacent property. (d) final decisions will NOT be delegated to counter staff as has frequently occurred.	Comment	Commentary
13	Many areas of the county are not exactly "urbanized," yet trees are being decimated by developers. In urbanized areas trees also moderate the "heat island" effect. This is especially important given the many high rise developments.	Comment	Terminology/Grammar

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14	I would delete the word “proper” since any astute developer would argue that his site is not a “proper” location. Also the word “exotic” should be changed to non indigenous. Given the amount of development and impermeable surface in some areas, many native trees may not survive. Non native trees such as London Plane are planted all over the county, especially along roads, to provide shade and greenery since they do not usually uproot pavements. Many homes do not have room for native trees, or they are deciduous, such as the Western Redbud which does not provide garden privacy.	Ordinance Layout/Language	Terminology/Grammar
15	<u>Definition. Arborist Report:</u> Some arborists’ reports that I have read in the past have been highly questionable, and often heavily biased in favor of development. It is to be hoped that the Planning Dept. will keep a list of such arborists, and when there is a question, hire an unbiased arborists to evaluate any suspicious report from a developer. Is the “County Arborist” on staff or is this a contracted firm that has other clients? Some arborists can be influenced to emphasize tree decline	Information/Clarification	Implementation
16	<u>Definition. Building envelope:</u> Grammatically incomprehensible (b) & (c) Unless it is impossible, any structure should be redesigned to accommodate the trees rather than eliminating the trees	Information/Clarification	Terminology/Grammar
17	<u>Definition. Canopy:</u> This has been totally ignored for the last 40 years	Comment	Commentary
18	<u>Definition. Arborist:</u> There is no guarantee that any Planning Director has the knowledge to approve such a person.	Comment	Authority of Planning Director
19	<u>Definition. Community of Trees:</u> Why does it have to be 5? Some trees need a male and female tree to produce seeds/fruit	Information/Clarification	Arboriculture
20	<u>Definition. County:</u> Who are included as “authorized representatives?”	Information/Clarification	Authority of Planning Director
21	<u>Definition. Development:</u> Long run on sentence. Also needs to apply to riparian areas	Information/Clarification	Terminology/Grammar
22	<u>Definition. Diameter:</u> need to substitute circumference or define way to calculate circumference by multiplying by 3.14.	Information/Clarification	Outreach/Education
23	<u>Definition. Drip Line:</u> This provision is routinely ignored. There needs also to be a provision to restrict landscaping within the dripline of oaks. Frequently plants that need a lot of water are put around the base of oak trees that cause root rot resulting in a dead tree.	Comment	Commentary
24	<u>Definition. Heritage Tree:</u> It is totally ridiculous to have to have the BOS specifically designate specific heritage tree. Any native tree of a certain age and size should be a “heritage tree.” The proposed designation method penalizes people wishing to preserve their tree.	Comment	Interpretation
25	<u>Definition. Hazard Tree:</u> Many eucalyptus trees in the county are, or should be considered, a hazard tree. One such tree killed a young man along Alpine Road recently. There are many Eucalyptus trees along the San Francisquito Creek that may not be “hazardous” at the moment but they suck up all the water from the creek, depriving riparian trees of water. Another hazard is fire danger since the oil in these trees makes them highly flammable.	Comment	Eucalyptus
26	<u>Definition. Multi trunk tree:</u> Many redwoods have extensive “suckers” around the base that form infant trees so that when the main one dies the young ones take its place.	Comment	Arboriculture
27	<u>Definition. Pruning:</u> Sometimes this is necessary for the life of the tree. A tree might grow too much on one side because of lack of exposure to light. At this point the tree becomes unbalanced and a skilled	Comment	Arboriculture
28	<u>Definition. Public property:</u> self evident	Comment	Terminology/Grammar
29	<u>Definition. Public Nuisance:</u> A Planning Director is not competent to decide this issue	Comment	Authority of Planning Director

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30	<p><u>Definition. Severe Pruning:</u> The county itself is responsible for some of this. Example: They foolishly located a solar powered radar sign under a beautiful old oak on Alpine Road (when there were adequate other sunlit locations) and then because the sign would not function, instead of relocating the sign, they cut the tree in half!</p> <p>There also need to be some control over PGE since they frequently hack trees to death, or they leave a tree that is likely to fail where judicious trimming would save the tree and the utility lines.</p>	Comment	Implementation
31	<p><u>Definition. Tree Protection Zone:</u> grammatically incomprehensible. Interesting that in this section circumference is stated. Also the fencing I have observed with respect to protected zones has been totally inadequate. This needs better definition. Also, many times during construction extremely heavy equipment is located in the immediate vicinity of the tree trunk.</p>	Information/Clarification	Terminology/Grammar
32	<p><u>Definition. Tree Risk Rating:</u> Need web address cite for reference</p> <p>Definition: Tree Value Standard: Need web site for reference</p>	Information/Clarification	Terminology/Grammar
33	<p><u>Definition. Urban area:</u> Many so-called urban areas as defined in the General Plan are not in fact in any way "urban." This definition needs replacing.</p>	Information/Clarification	Terminology/Grammar
34	<p>[Section 99.005] does show circumference</p>	Information/Clarification	Arboriculture
35	<p>Alder is missing and this tree is very important in the riparian corridors.</p> <p>It would be a good idea to check with Grassroots Ecology since it seems that many indigenous trees are missing from this list.</p>	Information/Clarification	Protected Trees
36	<p>Tree Designated for Carbon sequestration: How does this happen? Some explanation needed here.</p>	Information/Clarification	Protected Trees
37	<p>As to Emerald Lake Hills etc. who is going to climb a large tree to figure out if a branch to be pruned is 19 inches in circumference?</p>	Comment	Implementation
38	<p>Why is no permit required outside of a State Scenic Corridor? The second paragraph states that a permit MAY be required if the tree is 55 inches or more in circumference. Why is this to be allowed without a permit?</p> <p>In one section the protected tree has to be 54 inches in circumference and in another 55 inches in circumference. This makes no sense.</p>	Information/Clarification	Clarification needed
39	<p><u>Exemptions. Emergency:</u> Again determination is to be made by the Director of Planning who is not necessarily equipped to understand the issues and it requires a cross reference to 99.021.</p>	Comment	Authority of Planning Director
40	<p><u>Exemptions. Removal/Pruning for forest health as approved by the Coastal Commission:</u> Does this require cross reference as to procedure?</p>	Information/Clarification	Implementation
41	<p><u>Exemptions. Tree Removal/Pruning for fire risk:</u> Here is the list of trees for which no permit is required. It is redundant to state "within 30 feet of a private or public road necessary for emergency evacuations" since all roads would be necessary during a disaster.</p>	Comment	Terminology/Grammar
42	<p><u>Exemptions. Tree Removal to provide defensible space for a legally permitted structure:</u> This provision is exactly what is concerning Portola Valley residents since it pits one neighbor against another because one resident could force the demolition of a tree on a neighboring property. This needs rethinking.</p>	Comment	Implementation

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43	<u>Exemptions. Removal/Pruning in County parks, rights of way or other county property:</u> This should not be an exception. The Parks and Public Works Depts. are not tree experts and have often made really bad decisions such as the chopping of the oak tree on Alpine Road when they placed a solar powered radar sign in its shade, as well as the elimination of many trees at Flood Park. (7) Removal by PUC: The PUC at least has an arborist and an environmental person on staff. (8) Removal of a dead tree: This is not always the best solution since a dead tree (snag) provides habitat for several species, providing that it is on a fairly rural site.	Comment	Implementation
44	Getting a Protected Tree Permit: Once again cross referencing required to 99.007 and 99.013. This does not make sense to me since, as worded, this would require the county to get a permit from itself for removing a tree from its own right of way along a road. It also seems to contradict the provisions that allow PGE & PUC to remove trees. FN1 also adds to confusion since this might require the Dept. of Public Works to get an encroachment permit from itself!	Information/Clarification	Implementation
45	<u>Permit Requirements. Outside Coastal Zone:</u> Why restrict to “urban” areas as defined by the General Plan. A lot of areas within the county might be classified as “urban” but are actually semi-rural and the trees are extremely important in areas where there is a hillside or creek, or where there is a geological hazard._	Information/Clarification	Terminology/Grammar
46	<u>Pruning of Heritage Trees:</u> Typo “Trees” is plural and should be singular	Information/Clarification	Terminology/Grammar
47	Another cross reference to 99.006 plus typo: eliminate the “and.”	Information/Clarification	Cross-references
48	<u>Tree Plan for Subdivisions:</u> Requires cross reference to 99.0014 and additional paperwork. When damage to building, landscape etc. an architect report required. Yet more paperwork and expense that will cause more people to do illegal work.	Comment	Cross-references
49	<u>A completed tree removal or tree pruning application form provided by the Department, signed by the property owner required.</u> (Which dept.? “Planning” has been removed. Is there going to be a Tree Dept.?)	Information/Clarification	Terminology/Grammar
50	<u>Section 99.009.</u> What is the companion document?	Information/Clarification	Clarification needed
51	Photographs of the tree(s). In some instances the surrounding environment might be relevant as would any information on resident birds or other species.	Information/Clarification	Arboriculture
52	<u>Pruning Permits:</u> It would seem obvious that an Arborist should prepare the report and there should be no need to delay the process by asking whether or not the Planning Director should request it.	Information/Clarification	Implementation
53	<u>Requirement for an Architect’s report.</u> This would not be necessary if more care was taken when granting the original building permit. A prime example of what should never have been approved is 2010 Gordon Ave, Menlo Park where an excessively large 2 story home very recently replaced a small house, and was built right next to a huge oak that extends immediately over the chimney and covers the drip line.	Comment	Commentary
54	<u>A fee as adopted by the BOS.</u> What exorbitant fee is being proposed in addition to all the costs so far accrued.	Comment	Fees
55	What is the spp? Is this short for species?	Information/Clarification	Terminology/Grammar
56	Nobody is going to get permits of any sort to remove some of these trees, especially privet! Plus there appears to be no definition of what size of tree in this section. There is a vast difference between a sapling and a 50 ft. high tree. Where is the cross reference to this?	Information/Clarification	Commentary
57	Where is the tree removal application form? Is it to be appended to the 33 pages?	Comment	Implementation
58	<u>Expedited Tree Permits.</u> Supplemental documentation (such as? To be provided at the whim of the Planning Director)	Comment	Expedited Permit
59	<u>Expedited Tree Permits. Fees :</u> For some of these trees such as eucalyptus and Bay this is ridiculous. The County has been trying to remove these trees to mitigate fire hazards, and for the last few years there was no requirement to get any permits.	Comment	Eucalyptus

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60	<u>Expedited Tree Permits</u> : “Action on Permit: Staff will review and inform applicant if further information required.” “Staff” is not defined and many “staff” I have experienced in the Planning Dept. are completely unqualified to assess anything about trees. There needs to be an arborist on staff and additional qualified environmental personnel capable of understanding the situation. This does not exist currently and it is ill advised to have a complicated ordinance when the dept. lacks qualified staff to administer it. A better reviewer would be the County Resource Management Dept	Comment	Expedited Permit
61	<u>Expedited Tree Removal</u> : Replacement planting section is extremely vague, especially as to size. It is listed under Expedited Removal but it is not clear if this applies to the “nuisance” trees	Information/Clarification	Expedited Permit
62	<u>Processing of Protected Tree Permits. Notice of Application</u> : 100 ft. is way too limited with respect to many trees since it only applies to immediate neighbors. “All other interested parties” – how determined since no one has knowledge until or if a notice is posted after the application is made?	Comment	Public Notice
63	<u>Processing of Protected Tree Permits. Posting Notice Reading</u> (a) and (b) together this makes no sense: the posting is required after the application is received by Planning, yet the applicant has to swear they have posted the request when they submit the application. In practice this notice provision is often ignored or the posting is not easily visible.	Comment	Implementation
64	<u>Processing of Protected Tree Permits. Application Review</u> : So this is now a unilateral decision by the Planning Director, without a hearing of any kind?	Information/Clarification	Authority of Planning Director
65	Why would development be allowed right by a trunk flare? Expand on why the tree “cannot be spared” because the flare is close to the proposed building. This just encourages replacement of small houses with megamansions.	Comment	Arboriculture
66	There is no expansion on what constitutes “restricted access” Again this encourages megamansions. It is unclear as to what is meant by “landslide, repairs, etc.” Putting protection measures in subdivision map conditions is totally useless unless those conditions are enforced. This has not been the case with respect to several such subdivisions in Stanford Weekend Acres.	Information/Clarification	Clarification needed
67	<u>Scenic Corridors</u> : This provision is way too broad. 100 ft. is insufficient and “substantially detract” is way too vague. Is this yet another unilateral decision for the Planning Director, whether or not that person has any qualifications to decide? Does the Planning Commission have any input? As to waterways this has been ignored for decades and continues to be ignored. It is asking for trouble to permit selective clearing to allow display of public views. It is especially objectionable to permit clear cutting to open important public views or create a vista point.	Comment	Authority of Planning Director
68	<u>Sensitive Habitats</u> : The county has routinely turned a blind eye to illegal tree removal along San Francisquito creek, also granted permits, and allowed exotic plantings and landscaping into the creek channel at several locations to the detriment of the canopy and the environment.	Comment	Implementation
69	<u>Solar Shade Control</u> : Where is the reference cite to the California Solar Shade Control Act and what does it require? Does this mean that someone can install solar panels and a neighbor has to remove a protected tree. This makes no sense	Comment	Clarification needed
70	<u>Notice of Decision (typo)</u> : Again the Director of Planning makes a unilateral decision.	Comment	Public Notice
71	An arborist isn’t needed to determine if the tree is a hazard or nuisance?	Comment	Arboriculture

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73	<p><i>"Tree restricts economic development by reducing building envelope by 25% or creates hardship for property owner and they have demonstrated to the Planning Director that there is no reasonable alternative or that alternative would effectively authorize permanent structures not compatible with other developments in the vicinity."</i></p> <p>Depending on the size of the parcel, 25% could be a huge amount. Plus the last sentence could have a domino effect of parcel after parcel being denuded by developers as has been happening in parts of the county. Also this is yet another unilateral decision by the Planning Director</p>	Comment	Implementation
74	<p><i>No more than 50% of the property's canopy would be lost:</i> This is an excessive amount that should not be permitted. FN2 is less than clear but seems to state that this does not allow swimming pools and impermeable surfaces to count. ADUs and covered parking can be. This provision does not seem to help keep the tree canopy. The draft excludes an important factor regarding adverse effects on erosion, soil retention, water retention, and diversion or increased flow of surface water. This would seem to contradict provisions regarding ground water diversion, which is extremely important. It also eliminates the provision regarding trees in a sensitive habitat.</p>	Comment	Implementation
75	<p>Reference is made to ANSI A300 (Part 6) (Is this to be an appendix to the ordinance, if not how would anyone know the provisions?) The property owner is responsible for purchasing, planting and maintaining the trees. (Who is going to check on them?) There should be a cross reference to the appropriate section on maintenance.</p>	Information/Clarification	Clarification needed
76	<p><i>"Trees to be maintained for 3 years. The property owner is responsible for replacing trees that do not survive, and maintaining these for another 3 years."</i> Who checks and what happens if the owner chops them down after 6 years?</p>	Information/Clarification	Implementation
77	<p><u>Fees:</u> The proposed fee just encourages big developers to pay cash to develop to the max. A good example of that is what happened at Cardinal court, Menlo Park where the developer destroyed a huge oak under cover of darkness and was supposed to pay for replacement</p>	Comment	Fees
78	<p><i>"Development applicants shall submit an Existing Tree Plan and a Tree Protection Plan where development could impact trees. If a survey is required prepared by licensed surveyor or civil engineer this must be consistent with Tree Plan, drawn to scale and prepared by a certified arborist to establish protection measures for demolition or development that must be implemented."</i></p> <p>Go to any development in San Mateo County and just see the inadequate protection of existing trees. A few years ago the developer of Creekside property at the bottom of Snecker court destroyed every oak on the property and nothing was done about it by the county</p>	Comment	Implementation
79	<p><i>Permit Approval:</i> Again the Director of Planning makes a unilateral decision based on "Findings"</p>	Comment	Authority of Planning Director
80	<p>No requirement for protecting trees by fencing in Section 99.014: Tree Plant Requirements with Development Application. Plus, under this provision a developer could damage a large oak and replace with a sapling or pay a fine. This is not adequate protection. Nor is there any protection for neighboring parcels.</p>	Comment	Arboriculture
81	<p><i>Field Visit .</i> Long, compound sentence and yet another instance of Planning Director unilateral action There is also no provision for neighborhood complaints. There have been widespread complaints about one developer in North Fair Oaks who has been decimating trees and damaging neighboring properties. This needs to be stopped. Again there is cross referencing to 99.010</p>	Information/Clarification	Terminology/Grammar

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82	<p><u>Conditions of Approval:</u> Measures to control erosion, soil and water retention and diversion or control of increased flow of surface waters.</p> <p>This seems to ignore the existing ordinances related to storm water not being increased by any development – which has also been totally ignored by the Planning Dept. This is extremely important in hillside development</p>	Comment	Document alignment
83	<p><u>Conditions of Approval:</u> “Requires no adverse effects on erosion, soil retention, water retention and diversion of surface water”</p> <p>Who decides this? What is required to show this and this seems also to conflict with or be covered by the groundwater ordinances. This is a useless provision unless there is enforcement and some standards.</p>	Comment	Implementation
84	<p>Conditions of Approval: “Tree removal is not in a sensitive habitat.”</p> <p>This has been totally ignored and is unlikely to have any impact since there is no enforcement.</p>	Comment	Implementation
85	<p>“Permit Expires in one year.”</p> <p>Is this redundant since all Planning permits expire in one year? An extension requires a request and fees. If this is processed with another permit with a later expiration date, the later expiration date may apply</p>	Comment	Implementation
86	<p>“Applicant or any other person may appeal. However, expedited and pruning permits may not be appealed. An appeal requires statement as to how the appellant is aggrieved or adversely affected.”</p> <p>This implies that to appeal the appellant has to have individual damage, and not just because the damage is harmful to the greater environment.</p>	Comment	Appeals
87	<p>“Appeal is to Planning Commission and paying an appeal fee within 10 business days of issuance or denial of permit.”</p> <p>How is this decision made public? In the past interested parties have sometimes not been made aware of the decision.</p>	Information/Clarification	Appeals
88	<p>“The Planning Commission shall hear the appeal in a timely manner...”</p> <p>(??? Like what)</p> <p>“...and render a decision on the appeal within 15 calendar days of the public hearing and shall be reported to the affect parties”</p> <p>How? In the past there have been problems with appellants getting timely notice preventing an appeal to the BOS</p>	Information/Clarification	Appeals
89	Another fee for appeals?	Information/Clarification	Fees/Appeals
90	The permits required to be posted during tree removal are often hidden	Information/Clarification	Implementation
91	<p>“Filing for a permit grants permission for County personnel to enter subject area during normal working hours. This right of entry lasts for the 3 year maintenance period of a replacement tree.”</p> <p>Notice should be given to the property owner when this is to occur. Nobody wants people wandering around their property.</p>	Comment	Implementation
92	How is the planning director (or sheriff, if after business hours) notified about tree emergencies?	Information/Clarification	Implementation

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93	<u>Heritage Tree Designation Fees</u> . This section makes no sense and is utterly offensive. It should be perfectly evident what constitutes a heritage tree. No property owner other than a dedicated environmentalist would willingly categorize their tree as heritage, which would restrict their rights and even cost them money to do so. The county should be rewarding people who take the trouble and expense of designating their tree as heritage, instead it is penalizing them.	Information/Clarification	Heritage tree provision
94	<u>Heritage Trees</u> . Nobody on the present BOS has the expertise to make the judgment if a tree is an outstanding specimen of a desirable species.	Information/Clarification	Heritage tree provision
95	<u>Heritage Trees. Qualifying Characteristics</u> : Who makes the judgement if the tree is large/old/unique/historic and how is it made?	Information/Clarification	Heritage tree provision
96	Who is supposed to pay for the removal of restriction on a heritage tree?	Information/Clarification	Heritage tree provision
97	A more specific citation is needed for Tree Ordinance violations	Comment	Violations
98	<u>Violations</u> : "Size, quantity and species of replacement(s) to be discretion of Director of Planning and shall be commensurate with the side and species of tree(s) removed" How is this to be effected if the removed tree is 100 feet high?)	Information/Clarification	Violations
99	<u>Violations</u> : "Replacement to be on parcel or at a location approved by Director of Planning." This doesn't cure the problem as was apparent in the development of Cardinal Court: the developer removed the tree under cover of darkness and then paid for trees in another location. This just encourages bad developer behavior.	Comment	Violations
100	What exactly is DSH?	Information/Clarification	Arboriculture
101	"A violation may be recorded and Director of Planning shall notify by certified mail the owner and any other known party responsible." What about Contractors' License Board?	Information/Clarification	Violations
102	"To disagree, proof may be submitted to Director of Planning with documentation that permit not required. If Director of Planning determines that permit required , property owner and/or responsible party shall apply for the necessary permit within a specified time determined by Planning Director." So it is easier for a developer to seek after the fact "forgiveness" rather than request permission.	Comment	Violations
103	"The meeting of long term conditions may be guaranteed by a surety to run with the land and term shall not be imposed as a demand for meeting expungement requirement" This is less than clear	Information/Clarification	Terminology/Grammar
104	Talking about replacement requires a plan for following up. Does the County have a plan for tracking tree replacement? How will the County track whether replacement trees are planted (even though photos were and may still be required to be sent)? Did the County ever receive photos then, and is there a plan to receive photos of replanted trees in the new ordinance? Will there be inspections to see if trees were ever planted? Will there be inspections to see if replacement trees are still alive? How will the County monitor replacement trees over the three year-period proposed in the new ordinance? What's the plan?	Information/Clarification	Implementation

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105	<p>At one time, pre-Covid, a study was started in Menlo Oaks to see how many replacement trees were actually planted and were still living as replacement trees. The current County Arborist had an intern who started the interview process and logged statistics, but we never received the results of the partial study at that time. I don't believe the study was ever reinstated after Covid. I have asked to see the results of what information had been collected, but so far I have never heard anything about that study. Can we now see those partial results?</p>	Comment	Commentary
106	<p>When plans are developed, trees become targets for removal because of the 'economic enjoyment' loophole, when designs could otherwise be developed to include the trees. What is meant by economic enjoyment? Can you better define it for me and in the ordinance? Why is it allowed to be in the tree ordinance? Can it be removed from the new ordinance?</p>	Information/Clarification	Economic enjoyment
107	<p>If this is enacted as it stands it is unlikely to be enforceable. It is unduly onerous and expensive for a property owner that truly cares for their trees, and some of the provisions might actually give encouragement to unscrupulous developers to destroy trees. It is too long and has too many cross references, but not enough citations to State standards that are quoted. Given the expertise needed to evaluate some of the criteria, the Planning Dept. and the Planning Director are not qualified to act. A better option might be for the Resource Management Dept. to handle this. One question I have concerns the statement that there is as County Arborist. I question whether that person is on staff or is a subcontractor. Based on my past experience there have been some highly questionable arborist reports that I have seen accompanying development/subdivison projects. The document sent out for review seems to be in a very preliminary form and wonder whether it has been sent to Bay Area Tree companies. My arborist who is truly dedicated to, and expert in, caring for and preserving large trees, had not seen it. As stated in my comments: the county has been spectacularly incompetent in enforcing tree protection, and many environmental provisions, and writing up an ordinance is absolutely no remedy for lack of enforcement, especially with respect to major developers, and most especially in sensitive habitats like riparian corridors.</p> <p>I was totally underwhelmed by the Draft document, and it seems to reveal that the authors are not familiar with many areas and diverse environments of this county. I would encourage the authors to contact the Grass Roots Ecology who seem to be more cognizant of the issues regarding native trees and their care.</p>	Comment	Commentary
108	<p>It doesn't make practical sense that Tree Pruning shall be avoided in Scenic Corridors. By the very definition outlined in Section 99,002 (25) starting at the bottom of Page 5 of the PDF, Pruning is designed to meet specific goals such as safety, risk reduction, preserving tree structure and health or preserving wildlife habitat... all goals that are compatible with the goals of protecting the scenic corridor. Forbidding this commonsense practice, or even adding the significant administrative burden of applying for a permit simply to prune trees in service of these goals is an unnecessary administrative burden and will result in unintended consequences in the future. Those of us who are responsible for land along San Mateo's beautiful scenic corridors recognize the importance of maintaining healthy and safe trees and should not be prevented from taking common sense actions to maintain and foster healthy trees.</p> <p>I strongly urge that the words "and pruning" should be struck from the first sentence in this section as follows: "Tree removal and pruning in County or State Scenic Corridors, shall be avoided."</p>	Information/Clarification	Pruning Permits
109	<p>The sizes and types of trees requiring a pruning permit needs to be re-thought. This does not take into account normal maintenance which many of us practice. The goal here should be to stop really bad actors - typically developers or homeowners with future building projects in mind - from pruning so much as to effectively kill the tree.</p>	Comment	Pruning Permits

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110	The permit approval findings in 99.011 are really focused on Tree Removal and not necessarily relevant to periodic, maintenance pruning which is done to lighten and balance trees, to protect against wind and weather; general safety; and tree health. This also ties into my first point above – which is that in general maintenance - often larger limbs like up to 12+ inches are removed for many of these (benign) reasons. And frequently some of the branch selection only takes place during the process.	Information/Clarification	Pruning Permits
111	Timing - It's unclear from this draft whether the Tree Pruning permitting process would follow the same lengthy process required to remove a tree. Given the nature of this pruning work (except for very large limbs) that Tree Removal process is too complicated and lengthy for Tree Pruning. I would urge you to work this out, especially in context of increasing the size of limbs and rethinking the types of trees needing a permit	Comment	Pruning Permits
112	My overall concern is that without more revisions, this new Tree Pruning permit requirement will depress the very maintenance work that makes our trees healthy and safe.	Comment	Pruning Permits
113	<u>Heritage Trees:</u> I'd like to see more direction and guidance within the Ordinance on what constitutes a Heritage Tree. And also, what real protections this designation provides for the tree on an ongoing basis (that is, through not only one owner but in perpetuity.	Information/Clarification	Heritage tree provision
114	<u>Fines:</u> These listed fines (while higher than before) are still inadequate for 24" + trees – and especially 48"+ trees and Heritage Trees. The value of real estate in San Mateo County is so high, and the value and cost of even an addition is so high - that the fines listed for first, second and third offenses is a pittance. The third offense fine should be the first offense fine. And given how infrequently these regulations are updated, with inflation the currently proposed fines will be even less of a deterrent in just a few years. Please rethink this chart - and especially for Heritage Trees. We have also found that combining fines with stop work orders can be quite effective.	Comment	Fees
115	<u>Overall Process Management and Cost:</u> The added permitting, site management, tracking etc called for in this Ordinance will require more work on the part Planning Department staff (in addition to owners). As we've seen in the past, without training and then oversight by staff, many of the requirements do not really happen if left to individual homeowners, developers and builders. Will additional fees pay for this? In particular, while I'd like to see fines for illegal Tree Removal increased, and understand the need to increase Tree Removal Permitting in line with inflation -- I'm concerned about the Tree Pruning permit cost. Until we see the proposed fees, I think this is an open issue that needs to be addressed in the next revision of the Ordinance.	Comment	Fees

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116a	<p>Richard Gessner - Consulting Arborist. I was formerly a representative on the ANSI A300 Committee and a Reviewer for the ISA BMP's Pruning, Root Management, and Management of Trees and Shrubs during Site Development and Construction.</p> <p>Here are my thoughts:</p> <p>ARBORIST REPORT means a professional report prepared by a certified arborist that meets the requirements outlined in the companion document to this ordinance.</p> <p>"a certified arborist" this should be changed to "an International Society of Arboriculture (ISA) Certified Arborist®." "Certified Arborist" is trademarked by the ISA.</p> <p>Remember: ANSI A300 standards are for writing specifications and limitations and the ISA Best Management Practices are used as "how to" guide to interpret those specifications. You cannot perform work to the standard only in accordance with the BMP. It appears the author doesn't understand the difference between the ANSI A300 and the ISA BMP's as they are referenced both in a manner they cannot be used for.</p>	Information/Clarification	Terminology/Grammar
116b	<p>Page 13</p> <p>For pruning permits, a written description of the proposed pruning, including pruning objectives and methods to be used, consistent with International Society of Arboriculture Best Management Practices – Tree Pruning and ANS A300 – Part 1 Tree, Shrub and Other Woody Plant Management – Standard Practices, (Pruning). If required by the Community Development Director, Director of Planning and Building, the written report shall be prepared by a certified or consulting arborist.</p> <p>This needs to be rewritten if it is to conform with the most recent ANSI A300 Part 1 and the most recent BMP for Pruning (third edition). Something like this:</p> <p>For pruning permits, a written description of the proposed pruning, including objectives, pruning system, type of cuts, size of cuts, and location and amount of foliage to be removed should be specified to conform with the most recent ANSI A300 Part 1 and performed according to the most recent edition of the ISA Best Management Practice: Pruning publication. Pruning "methods" has been out of the standard and BMP since 2019 and is referenced in this section.</p>	Information/Clarification	Terminology/Grammar
116c	<p>Page 21</p> <p>2. Replacement Tree Planting and Maintenance Requirements. Replacement trees shall be planted in a manner consistent with the ANSI A300 (Part 6): Planting and Transplanting standard, as is applicable.</p> <p>The reference above should indicate something to the effect: "Tree planting shall be specified in writing in accordance with the most recent version of the ANSI A300 (Part 6) Planting and Transplanting standard and trees installed as described in the most recent edition of the ISA Best Management Practices: Tree Planting and Transplanting.</p>	Information/Clarification	Terminology/Grammar

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116d	<p>Page 28 A protected tree may be removed or severely pruned without a prior permit where it presents an imminent danger to life, property, utilities, or essential transportation systems, or a tree risk rating of High or Extreme is present, as calculated by an ISA Tree Risk Assessment Qualified Arborist (TRAQ), of High or Extreme is present. In such event, the property owner or applicant shall be responsible for the following:</p> <p>Arborists are not “calculating” anything in the qualitative TRAQ protocol approach to risk assessment. This is nit-picky but the arborist is merely assessing. It is an important distinction because math and statistics are not used in the TRAQ protocol to come up with a result as inferred by “Calculation”.</p>	Information/Clarification	Terminology/Grammar
117a	<p>37.38. TREE PROTECTION ZONE (TPZ) means the area measured radially from the trunk that is 10 times the trunk diameter measured at 4.5 feet (54 inches circumference) above grade or the dripline, whichever is greater;</p> <p>This 10:1 standard is not enough to adequately protect trees in most situations, and is not consistent with the ISA BMP Managing Trees During Site Development and Construction. With this shortcut version the county will lose many more trees than is necessary. As a tree health care specialist I get called 2 to 10 years later when the tree is declining and the developers and architects and planners are long gone and don't take responsibility. Dripline measurements for TPZ are obsolete and not a good measure of where the roots are. (It is an unfortunate omission that the ISA construction BMP and related ANSI Standard is not even mentioned whereas the pruning BMP is given credit)</p> <p>Graphic from the California Oak Foundation publications. In most cases, the preferred method of establishing a TPZ is the "trunk formula" method, where the size of the tree trunk is measured and utilized as a guideline to how far the root system may extend and require protection. Tree species characteristics and case histories of tolerance to construction activities are used, as documented in the ISA-BMP publication. A ratio is established relating the proposed radius of the TPZ to the trunk diameter. This can be 6:1 for a young tree with good tolerance, up to 18:1 for an over-mature tree of a species with poor tolerance to disturbance. To average these at 10:1 is a big mistake in my opinion and trees will suffer because of it.</p>	Information/Clarification	Tree Protection Zone
117b	<p>Also, there is a conflict of terms in the ordinance that may be confusing for some. TPZ is defined as Tree Protection Zone and in another section as TIMBERLAND PRESERVE ZONE (TPZ)</p>	Information/Clarification	Terminology/Grammar
118	<p>I would like to speak in favor of the inclusion of strong protections of sensitive habitats in the Protected Tree Ordinance document update by leaving in language to preserve the tree canopy in riparian areas. I will speak directly about Deer Creek in El Granada. (I have included photographs and graphics at the end of this letter to substantiate much of my comments.) DEER CREEK El Granada is somewhat unique in that Deer Creek runs from GGNRA hill property, near highlands homes, under driveways in mid-El Granada, and directly through backyards in the lower plane. (See Page 5 graphics)</p> <p>According to First Street research on potential hazards, these homes are clearly in the 30 year flood plane and vulnerable to flooding. In a time of a shortage of housing, we should not jeopardize these homes. We know from Santa Maria Avenue that flooding of homes is not a problem easily or promptly fixed. We should avoid causing more issues similar to this. (See Page 4 photos)</p>	comment	Sensitive Habitats

<p>119</p>	<p>FLOODING With increased atmospheric rivers, we need to respect homes near the creek by continuing to require stricter permits for tree removal in riparian areas - so one home owner doesn't cause flooding issues for the neighbor lower down in the neighborhood. Much of lower El Granada was built as second vacation homes and are less grand then the larger homes recently built in upper El Granada. (Allowing upper El Granada to adversely affect lower EG invites socio-economic implications.)</p> <p>It's usually accepted that diverting water runoff from your property to a neighbor's is unacceptable. Without that being mentioned in the document - someone who removes a tree can say that they were in compliance with the Planning Department's specifications document, or that the neighbor did not file a concern - so they are at fault themselves for any resulting flooding issues. This will lead to unnecessary litigation, environmental and home damage.</p> <p>Secondarily, the riparian areas have provided fresh water for our wildlife. birds, pollinators, deer, raccoons, foxes, skunks and mountain lions stay in the lower areas of the creek - to both use the fresh water and utilize the shade and vegetation cover that the creeks provide. The taller eucalyptus trees provide nesting areas for bats, monarchs, and the raptors which keep the rodent population down without the use of chemicals. (See page 8 videos)</p>	<p>comment</p>	<p>Riparian area protection</p>
<p>120</p>	<p>CLIMATE CHANGE Lastly, We live in times of extreme problems. Climate change is a huge problem that is easy to slip under the rug. Wildfire and environmental rivers are symptoms of this climate change. It's understandable that the current high monetary value of the houses have residents focused on how to protect their homes. Residents have the tendency to try and fix the smaller and more personal problem (which is wildfire) while ignoring the "environmental damage" less personal, gorilla in the room.</p> <p>But the two issues are closely related. It's possible to come up with solutions for wildfire mitigation, atmospheric rains, and flood mitigation, while also protecting the environment from increased climate instability. This requires very careful balancing of preserving tree canopy, leaving some tall trees in the mix and replacing some with others. Native trees are an important criteria in selection, but trees that preserve climate stability may be of higher importance.</p> <p>We, of course, have to ask ourselves first line solutions for home protection...and then just as importantly, second level questions about protecting the health of nature to stabilize the climate.</p> <p>Latest thinking knows that California's many microclimates are all interrelated. The loss of the tree canopy on the coast will result in drier and hotter inland temperatures. We threaten to silt, poison and kill off the life in the ocean when we don't stewart the land with a viable and long-term vision.</p>	<p>comment</p>	<p>Commentary</p>

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121	<p>ENVIRONMENTAL DEGRADATION</p> <p>One of the original letters sent out by Jacques Cousteau published in 1976 describes what it would be like to live on the coasts after the oceans die. He stated that all poisons become one poison as it drains to the sea and kills ocean life. The lack of trees to hold soil and filter toxins expedites this problem.</p> <p>Cousteau's predictions, grounded in science, is very upsetting and graphic as he understood the exact chain of events that would occur as we neglect coastal environmental health. The final paragraph describes how the stench of death from the seas prevents getting enough oxygen to breathe. The death of the oceans makes the coastside an unlivable habitat.</p> <p>Let us not explain to future generations that we saved our homes - but killed the surrounding environment - because we were only interested in the shorter view. We love living here because of the natural beauty. It's worth including sections about how to protect the environment as well as homes. Its worth designating areas such as riparian corridors sanctuaries for our wildlife. It's worth the extra solutions to preserve our much loved environment, and its livability.</p>	comment	Commentary
122	<p>A HEALTHY BALANCE</p> <p>"Healthy native forest riparian vegetation usually consists of a canopy of large trees accompanied by a thick undergrowth of shrubs and grasses. The thick undergrowth acts as a filter for surface runoff, while canopy trees above a stream can intercept airborne material, such as pesticide or fertilizer sprays, and provide shade that maintains stream water temperatures. Large canopy trees also have extensive root structures that stabilize stream banks and intercept nutrients in water flowing underground towards the stream."</p>	comment	Commentary
123a	<p>(Comments 123 – 130 are from the Midcoast Community Council Meeting):</p> <p>Invasive species definition not listed, would be helpful to residents</p> <p>Consider having a "black list" of tree species not to plant that includes all the CAL IPC & CDFA trees listed as invasive. County's Protected Tree Replacement Species List was not included in the draft</p> <p>Example: Township of Warren in NJ has an "Invasive Plant Species" ordinance All persons must control the growth of invasive plant species. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter</p> <p>3-29.7: Plantings of Invasive Plant Species: All new in-ground plantings of invasive plant species are strictly prohibited.</p>	Information/Clarification	Expedited Permit

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123b	<p>Non-native trees should be allowed on the replacement list, as long as they are not known to be invasive. Limiting replacement species to only include natives is impractical and fails to consider climate adapted trees that are not native but can thrive in future climates/conditions. Non-natives increase diversity and resilience.</p> <p>Consider adding the following trees to the Protected indigenous tree list: Alnus rubra (red alder) & A. rhombifolia (white alder) Fremontodendron californicum (flannel bush) Populus fremontii & P. trichocarapa (fremont & black Pinus attenuata (Knobcone pine in Butano State Park) Myrica californica (Wax myrtle) Quercus durata (leather oak) Juglans californica var hindsii (Northern CA black walnut) Sambucus mexicana (blue elderberry) Prunus ilicifolia (Hollyleaf cherry—SBM)</p> <p>Even if these trees are rare or unlikely to be found within the zoning ordinance where the Tree Protection Ordinance applies, it is still critical that they be granted protection. It only takes a single bird, rodent, or mammal to translocate a seed into areas where the ordinance applies.</p>	Information/Clarification	Protected Trees
124	<p>(MCC) would like to be brought in on earlier in process Question on defensible space parameter specifics (answered in meeting) Are there exceptions for development of ADUs?</p>	Information/Clarification	Implementation
125	<p>Can we get an extension on the public comment period? Important that they have time to connect with community members</p>	Information/Clarification	Review Period
126	<p>Why are non-native trees part of the approved replacement tree list? Does the ordinance address tree pruning businesses that are doing a poor job and damaging trees?</p>	Information/Clarification	Replacement trees
127	<p>Recommends adding a coastal habitat appropriateness to of tree species for coastal habitat</p>	Information/Clarification	Replacement trees
128	<p>I too would be interested in what ecological education requirements that tree pruning/removal companies need to operate in the County</p>	Information/Clarification	Implementation
129a	<p>Historical large Eucalyptus trees make up most of the canopy in her neighborhood. Concerned with it being easier to remove Eucalyptus trees. El Granada group, concerned about heat increases from lack of canopy.</p>	Information/Clarification	Eucalyptus
129b	<p>Timing on pruning should be after nesting season, parks already follow these timing considerations</p>	Information/Clarification	Seasonal/timing limitations on tree removal and pruning
129c	<p>How is the County going to be able to track replanted trees?</p>	Information/Clarification	Implementation
130	<p>Take strategic look at Eucalyptus trees and wholistic view of coastal ecology Would like to see a climate adaptable tree species list that includes non-native trees</p>	Information/Clarification	Eucalyptus
131	<p>(Comments 131 – 135 are from the Midcoast Community Council Meeting): PG&E cutting down Palm Trees. How are we holding PG&E accountable?</p>	Information/Clarification	Implementation
132	<p>Is there language in the ordinance regarding public notice to neighboring properties when a tree permit is issued? The request is for a 300ft radius notification to occur for tree removal permits.</p>	Information/Clarification	Public Notice
133	<p>Do structural improvements include driveways (e.g. where trees create issues to access)?</p>	Information/Clarification	Clarification needed
134	<p>Does code enforcement have their own website? Is there a reference on the ordinance webpage?</p>	Information/Clarification	Implementation

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135	Will the County conduct any outreach events to help get the word out about the updated ordinance and the changes?	Information/Clarification	Implementation
136	<p>Generally, I'm disappointed with what appears to be a somewhat broad-brush /boiler-plate approach to our local palette of flora and fauna. In particular, I'm troubled by policies promoting the blind eradication of ALL eucalyptus species, not to mention the widespread use of pesticides to do so. Eucalyptus species continue to offer substantial beneficial attributes as windbreaks, heat and microclimate control, and habitat for birds, insects and invertebrates.</p> <p>From hundreds of types of eucalypti available in the U.S., only two types (blue gum and red gum) have been labeled a "limited" risk by the California Invasive Plant Council– a native plant advocacy group (cited in this document).</p> <p>In the battle to save the Monarch Butterfly from extinction, most acknowledge that the monarchs need both native, and non-native sheltering to support diminished populations, and eucalypti are extremely valuable when milkweed is lacking</p> <p>Why, then, has the SM County draft document implicitly allowed a free-for-all removal of ALL otherwise healthy "Eucalyptus supp."? (ref. pages 11, 12, 13, 21). This is a useful species, and it is worrisome that this ordinance will lead to lax oversight of the extant tree inventory and poor management of specific tall-story trees also mentioned (pine and cypress). Coastal areas, like HMB and Pacifica with huge stands, as well as groves covering swaths of San Bruno have created an ideal sheltered habitat and have existed for at least a century. These will be very vulnerable to destruction, since permits will no longer be required, or will become "expedited."</p> <p>If fire is the concern, make sure to compare specific eucalyptus types, rather than lumping a species of over 700 types, all into one. While the blue gum is known to shed large strips of bark that can create a fire hazard if allowed to accumulate in huge piles, others do not, yet still offer valuable attributes for pollinators and have tremendous ability to sequester carbon to help battle climate change, as well as minimizing heat islands in cities.</p> <p>Look to other, more forward-looking counties to see what is being done to maintain, and restore their parks and reserves, such as the Counties of San Francisco (see Presidio Trust Forest restoration, as well as Santa Cruz County), where valuable and important eucalyptus groves are selectively left in place, in some cases replaced with safer, easier to manage versions of same species.</p>	Information/Clarification	Eucalyptus
137	<p>My other comment has to do with the intentional exclusion of Eucalyptus species (all of them) from being nominated as "Heritage" by the County, an honor afforded every other tree and grove on a case-by-case basis. This is ridiculous and small-minded. Every tree in our County, no matter its origin should be afforded equal consideration by the Supervisors as "heritage-worthy", just as trees eligible for nomination by the State Office of Historic Preservation. It seems to me that omission of these trees is patently wrong, and moreover erases our local history, and history of the State.</p>	Information/Clarification	Eucalyptus
138	<p>Coastside Land Trust, the conservation organization that has protected and preserved significant acreage on the bluffs from Granada to south of Half Moon Bay, requests that <u>Blackwood Acacia</u> (<i>Acacia melanoxylon</i>) be removed from the list of approved replacement trees.</p> <p>Coastside Land Trust manages the Wavecrest South monitoring area. Much of that property is dominated by this Acacia tree, which grows in dense stands and expands to replace native coastal sage scrub. The tree is present on other properties, causing similar problems. We do not think this tree is appropriate for replanting.</p>	comment	Replacement Trees

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139	<p>Seasonal restriction of permit for non-emergency tree removal to accommodate for bats and birds. We have a number of bat species that both hibernate (or taupor) in trees during the winter months or give birth and raise young there in summer, as well as our area being an important migratory bird route (the pacific flyway) with lots of raptors relying on the tall trees now for nesting. I have never seen a biologist present at any tree removal watching for impact to wildlife, is that required? Either way I would suggest a seasonal restriction for the execution of permits to fall outside of these highly ecologically sensitive times. So sept-Nov would be ok.</p>	Information/Clarification	Seasonal/timing limitations on tree removal and pruning
140	<p>Local spending of tree removal fines. At the moment the document only specifies that the fine for the fees in-lieu of replacement planting of \$3,345 is paid to the “county tree replacement program”. On the Coastside especially in unincorporated areas we have been neglected with regards to municipal tree planting in favour of other richer neighborhoods over the hill. I would politely request that these fines go to a more local fund or to be designated to be spent with in a distance of removed tree rather than just generically in the county.</p>	Information/Clarification	Fees
141	<p>Reduce the fee for appealing a permit. it’s harmful to underrepresented communities and although San Mateo may be an overall rich community that wealth is not evenly distributed. By having such a high appeal fee (way higher than SF) we alienate the voices of people who are often more negatively affected by tree removal and climate change as they have little control over the environment and habitation that they accommodate (eg farm workers in communal accommodation)</p>	Information/Clarification	Fees
142	<p>Clarify some details about the sensitive habitat definition I just wanted to flag that the definition for sensitive habitats has been removed entirely from this document (it makes sense to define it elsewhere I am sure but could you provide a link in this document) and also the restrictions around removing protected trees from sensitive habitats have been removed entirely also. Is this intentional.</p>	Information/Clarification	Terminology/Grammar