

Date: October 18, 2021

From: Francesca Reitano on behalf of the
Elmhurst Neighborhood Association

Re: Urban Forest Master Plan update
City of Sacramento Housing Element and General Plan 2040

Issues have arisen since the 2019 Urban Forest Master Plan Stakeholder Group meetings and must be dealt with.

The last meeting of the Urban Forest Master Plan Stakeholder Group was in 2019. In the interim, the city is now in the process of enacting land use policies and ordinances to implement them, such as its Housing Element and General Plan 2040, that will have an effect on our tree canopy. In addition, several state housing laws were enacted and will be effective January 1, 2022, including SB 9 (mandatory, allows up to 6 units (two duplexes plus 2 ADUs) on single family lots) and SB 10 (discretionary, the city is exploring whether to implement its options to allow up to 14 units (10 units plus 4 ADUs) on single family lots). The city is in the process of working to adopt an emergency ordinance regarding SB 9, effective by the time SB 9 takes effect on January 1, 2022. All of these policies and ordinances will increase density, and where a building stands, under current city tree ordinances, a tree cannot.

Eighty percent of the tree canopy in Sacramento is on private property, most of it in back and front yards in our neighborhoods. Our yards and green spaces are now viewed by the state and the city as underutilized land in need of development to create more housing. However, these spaces have an essential purpose - adding to our quality of life, providing green spaces, permeable surfaces and trees to prevent urban heat islands and make our city livable. Heat is the number 1 weather-related killer in the United States, and climate change is making periods of deadly heat longer and more frequent.

The city made several statements about our tree canopy that are a cause of concern on page 5 of its Frequently Asked Questions document entitled "2040 General Plan Proposed Key Strategy: A Greater Array of Housing Types in Single-Unit Neighborhoods." https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/General-Plan/2040-General-Plan/Permit-a-Greater-Array-of-Housing-Types-in-Single-Unit-Neighborhoods-FAQs_V2_July-2021_Final-3.pdf?la=en

Economic/Environmental/Social Justice

City Statement: *The 2040 General Plan includes a Key Strategy to increase the amount of tree-canopy cover in the city, prioritizing investments in the areas with the greatest*

urban heat island effects, areas of poor air quality, and areas with populations most vulnerable to the effects of increased and extreme heat.

Response 1: The city's Department of Urban Forestry, SMUD and the Sacramento Tree Foundation have been trying to do this for years. *Is the city going to provide more staff and program funding to solve this problem?* (At the federal level Doris Matsui has proposed the TREES Act, but there is no guarantee that it will pass; regardless, we are talking about a city plan.)

It is also important to call out the elephant in the living room: planting city street trees and trees in back and front yards in low income areas is an important matter of environmental and social justice. However, equally important as a matter of environmental, social and economic justice is the fact that trees require water (that is now metered) and maintenance; neighbors in low income neighborhoods cannot afford arborist services for the trees on private property that are an important part of our tree canopy. The price of metered water is also an issue. The fact that there are no park strips between the sidewalks and the street in some parts of neighborhoods, the only place where the city currently plants street trees, is also an issue.

The city will water city street trees for the first two or three years, but after that, no water is provided and the homeowner is responsible for watering the city's trees, although arborist services are provided for city street trees. SMUD and the Sacramento Tree Foundation will help homeowners plant trees on private property, but the homeowner is required to water them and maintain them. So merely planting trees is not a permanent solution to protecting vulnerable populations.

As stated above, close to 80% of the city's tree canopy is in back and front yards. Arborist services and tree maintenance are vital to keeping a tree canopy and our neighbors healthy and safe. *Beyond planting trees: What plans does the city have, if any, for helping low income neighbors maintain a healthy tree canopy?*

Response 2: How will the city populate a neighborhood with street trees where there is no city easement/park strip? *Does the city have a creative plan for helping these neighbors, especially in low income areas lacking trees, with a solution where there is no easement/park strip and the city street trees must be planted on private property in order to shade the street? If so, will they be treated and maintained as city street trees, rather than shifting the responsibility of tree maintenance to the property owner?*

It is our understanding that the city maintained approximately 57,000 trees in front yards where there was no easement/park strip between the sidewalk and the street, but ended this program in July 1990 and abandoned these trees. This program must be

reinstated as a matter of public health, as well as environmental and economic justice where low income neighborhoods are concerned.

Watering

As stated above, the city will water a new planting for two or three years, and after that, under current city ordinance the responsibility shifts to the homeowner - although there has been virtually no public education or enforcement of this ordinance.

In addition to the issue of economic justice in low income neighborhoods and the price of metered water, what does urban forestry plan to do regarding mature trees that are not being watered by the city, and are adjacent to rentals? Adding "a greater array of housing types in single unit neighborhoods" is, for the most part, adding more rentals to our neighborhoods, not resident homeowners. Would an allotment of water by the city, for each homeowner, for trees and vegetation, along with public education efforts, help to solve this problem?

Under the current tree ordinances, the building wins and the tree loses

City Statement: *Additionally, a tree permit and director-level public hearing are required prior to the removal of City trees or private protected trees.*

Response: What about preserving the existing tree canopy? The city's General Plan 2040 Housing Element in its Goal 4 Policies calls for rezoning single family lots citywide to allow duplexes, triplexes, and fourplexes in addition to two accessory dwelling units. SB 9 mandates that after January 1, 2021, a duplex can be built on a lot currently zoned single-family, and that the lot can be split and a second duplex can be built, for a total of 4 units - and more, if the city decides to allow ADUs. Development under the Housing Element proposal and new state duplex law will eliminate mature, established trees from our canopy in all neighborhoods. *Something has to give. A tree and a building cannot occupy the same space, and the city's current tree ordinance is firmly on the side of the building - not the tree.*

First, there is no public hearing unless a timely objection is filed by a member of the public (city trees), or a timely appeal is filed by a member of the public and a nonrefundable appeal fee of \$298 is paid (private protected trees, pursuant to City Ordinance 12.56.070).

Second, the director is mandated by ordinance to favor the project, not the tree. The director shall approve a tree's removal:

- "1. The director shall issue the tree permits for removal of private protected trees if the director approves the tree replacement plan and the director finds:

a. That the tree must be removed to use the property for any use permitted as of right or by discretionary permit under the Planning and Development Code for the zoning district in which the property is located, and the use could not be made of the property unless the tree is removed;...” (City Ordinance 12.56.050, subdivision (B)(1)(a).)

The only possible exception is in the case of tree roots being the problem, rather than the tree being located exactly where a proposed project is to be built:

“c. That the tree or its roots are causing, or threatening to cause, damage to any main structure on the property or on any adjacent property and there are no reasonable alternative means to mitigate the damage or threatened damage while minimizing the impact on the tree. Reasonable alternative means of mitigation include, but are not limited to, cutting tree roots, trimming the tree canopy, or installing a root barrier. Removing, relocating, or in any way altering any main structure on the property shall not be considered a reasonable alternative means of mitigation.” (City Ordinance 12.56.50, subdivision (B)(1)(c).)

The city’s tree replacement plan is a zero sum game, and will lead to heat islands in neighborhoods where “missing middle” housing types are clustered

City Statement: Submission of an arborist report and a tree replacement plan are required as part of the tree permit process. If a City or private protected tree is approved for removal, a tree replacement plan provides for replacement trees at a rate of inch for inch on the project site or an in-lieu payment of \$325 per inch that Urban Forestry uses to plant trees elsewhere. A combination of replacement plantings on the project site and the payment of fees is common.

Response: The loss of large trees will likely be permanent for that lot, and for that part of a neighborhood. The developer will either plant small trees (if there is room) or pay into the city’s tree replacement fund for trees to be planted elsewhere in the city. Losing trees in one neighborhood and planting them in another is a zero sum game. With the degree of urban density the city wants to allow on single family lots, there will be little room for large replacement trees. Where there is room, it will take 25 to 40 years of growth to replace the canopy loss, depending upon soil condition, location and species.

What are the benefits we lose? If sufficient density is clustered in any neighborhood, it will create urban heat islands through the loss of trees in favor of housing. Increased density creates more concrete and hardscape. It is vital that the city not allow clustering of high density housing projects in its own proposal - there are no meaningful safeguards in SB 9. Where density is clustered and concentrated in neighborhoods it will create urban heat islands where:

- The loss of shade and cooling will result in increased energy usage;

- The loss of trees' ability to produce oxygen and trap air pollution will result in impaired air quality;
- The loss of trees' ability to sequester carbon will result in increased greenhouse gasses, creating more heat; and
- The loss of the ability of trees and permeable spaces to filter water and allow it to drain into our aquifers will result in impaired water quality.

Formation of a Tree Committee/Tree Board

We understand that such a citizen's advisory board was recommended in the Sacramento Tree Services Best Management Practices Review and Report which was developed by Robert L. Tate Associates Inc. and published in November 2003. The report recommended that the city define and regularly convene a Citizen Advisory Group to review and aid in setting policy, provide program feedback, and protect the community's urban forest interests. *We ask that this be included in the Urban Forest Master Plan.*

Conclusion

What can the city possibly enact in its Urban Forest Master Plan, and in updating its tree ordinances, to mitigate loss of our tree canopy due to development resulting from the city's Housing Element, General Plan 2040, and SB 9 and 10?

We are concerned that, without an Urban Forest Master Plan that protects and grows our tree canopy in light of the city's policies and actions to increase housing, we will lose our tree canopy, air quality, water quality, and create urban heat islands that will lead to increased energy usage.

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