

## **EXHIBIT 1 / TREE REMOVAL POLICY**

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### **A. GENERAL TREE REMOVAL POLICY**

Although tree removal is a last resort alternative, there are circumstances when it is necessary. An arborist can help decide whether or not a tree should be removed. The City will remove street trees that are: dead; diseased with a rapidly spreading pathogen that poses a hazard to other trees; presents an urgent threat to public safety; or is declared a hazard or public nuisance. In other cases, where application is made to remove a healthy tree, consideration will be based on the guidelines included in this policy. Tree removal within the public right-of-way for private projects will be included in the planning design review process for the project. Tree removal is permissible only after all practical and reasonable alternatives have been considered. There is only one type of tree removal that does not require public posting as listed below, all other tree removals require some form of public notice.

#### **B.1 IMMEDIATE TREE REMOVAL - NOT POSTED (Non-appealable)**

Trees that will not receive public noticing or posting include the following:

1. The tree is significantly damaged from a storm or other occurrence that creates a hazardous condition and requires its immediate removal for the safety of the general public or to prevent significant damage to property.

#### **B.2 IMMEDIATE TREE REMOVAL – POSTED AT LEAST ONE DAY PRIOR TO REMOVAL (Non-appealable)**

Trees that will be posted at least one day prior to removal include the following:

1. The tree is dead and presents an urgent threat to public safety as determined by a certified arborist, whose report shall be on file in the Public Works Department.

#### **B.3 IMMEDIATE TREE REMOVAL – POSTED AT LEAST THREE DAYS PRIOR TO REMOVAL (Non-appealable)**

Trees that will be posted at least three days prior to removal include the following:

1. The tree is dead, but does not present an urgent threat to public safety as determined by a certified arborist, whose report shall be on file in the Public Works Department.
2. The tree is determined by a certified arborist to be infected with a rapidly spreading pathogen, such as Dutch Elm disease, that poses an immediate hazard to other trees. The arborist's report shall be on file in the Public Works Department.

## **C. TREE REMOVAL ASSOCIATED WITH A CAPITAL IMPROVEMENT PROJECT**

1. Capital Improvement Projects that will remove more than 5% of the street trees in any given block face and have been reviewed by the Planning Board and approved by the City Council will be posted at least three weeks prior to removal.

Tree removal is permissible only after all practical and reasonable alternatives have been considered.

During the planning review period for the Capital Improvement Project, the title of the agenda item for both the Planning Board and City Council meetings shall specifically state the number and size of trees to be removed and the proposed number and size of the replacement trees. The project shall be placed on the regular agenda and the report shall state the percentage of trees being removed within the project.

All public input received on the project, including suggested modifications, shall be included in the City Council report recommending approval of the project and describing the modifications made to the project to address the comments received from the public and the Planning Board.

Notification of the potential tree removal(s) and public discussion by the Planning Board and City Council shall also be attached to each tree and posted on the City's web site at least one week prior to the date of the meeting and at least three weeks prior to any tree removal(s). The City Council's decision is final, provided the project commences within two years of the City Council approval. Should construction of the project occur after one year of the City Council approval, an informational community meeting shall be held at least three weeks prior to commencement of the project.

Should the capital improvement project be modified to significantly change the project after the Planning Board has reviewed and commented on it, a new public meeting shall be held before the Planning Board prior to the City Council's approval of the project.

## **D. ALL OTHER TREE REMOVALS**

Prior to the removal of any tree, except as listed in sections B and C, the City will post a public notice, allowing anyone to protest the removal of the tree. In addition, the City will notify adjacent property owners and post a notice on the City's web page. If a protest is filed, a public meeting will be held as discussed in section E2. Any person aggrieved by the decision of the Public Works Director may pay the applicable appeal fee in accordance with the Master Fee Resolution and appeal to the City Council within three weeks of the Director's decision. No more than 5% of the street trees in any given block face will be removed per year

unless a greater percentage is approved by the City Council. Removal is proposed when the Public Works Director determines any of the conflicts listed below cannot be remedied.

1. Site modifications to be evaluated to resolve conflicts before tree removal is considered.
  - A. Modify private construction
  - B. Root pruning/shaving
  - C. Curb modification that provides for adequate drainage for entire block
  - D. Reduce sidewalk width near trees yet maintain ADA requirements
  - E. Meander sidewalk
  - F. Ramp sidewalk
  - G. Reduce curb width
  - H. Curb breaks
  - I. New technology to be evaluated as it develops
  
2. Types of conflicts
  - A. The tree is causing damage to private or public infrastructure that cannot be mitigated by practical and reasonable options as determined by an arborist.
  - B. The tree is causing persistent sidewalk and ADA safety concerns and cannot be mitigated by practical and reasonable options as determined by an arborist.
  - C. The tree has a disease other than in B.3 above, or is in poor health. Decay shall be measured by the cross-section of the tree as determined by a certified arborist.
  - D. The implementation of a tree-phasing plan is needed to replace existing trees with more suitable species. Phased tree removal will occur only after a good faith effort is made to adhere to the maximum yearly tree removal percentage noted above. A comprehensive tree removal and proactive replanting plan shall be prepared and approved by City Council for phased removal. Example of conditions that would justify a phased removal plan include: a cluster of dead or dying trees as a result of a pathogen, or segments of excessive and or frequent tree related infrastructure damage that would require a whole row of trees to be removed.
  - E. The tree is in conflict with a private improvement plan. If a planning permit is required for the improvement, a street tree removal request must be identified on the planning permit application, which will require notification and removal approval as detailed in this policy prior to the planning permit being processed. All applications to the Planning Department for private improvements that impact the public Right-of-Way must include existing conditions within the public Right-of-Way on the submitted drawings. This includes trees,

utility boxes, streetlight and other structures in the public Right-of-Way.

- F. The removal is required to allow for the construction of public improvements when in consultation with an arborist, it is determined that there is no practical and or reasonable alternative available to retain the tree(s).

3. Tools that may be used to evaluate trees posted for removal.

A. Variables to be evaluated as part of tree removal decision.

1. Biological impacts of tree removal (see Volume 1, Appendix 4 "Protection of Important Nesting Habitat")
2. Tree Species characteristic
  - a. Climate adaptability
  - b. Growth characteristic
  - c. Soil adaptability
  - d. Resistance or tolerance to insects, diseases and other environmental conditions
  - e. Tree is a rare or unusual species in Alameda
  - f. Tree is an especially good example of its type in Alameda
3. Condition of target tree's roots, branches, trunk, foliage
  - a. Structural Integrity
  - b. Tree general health
4. The tree's potential to reach mature height
  - a. Trees reach an economic and aesthetic height at maturity. Each tree species has a different optimal tree height and age. Site condition can enhance or reduce height potential.
5. The target tree is one of a limited number of large trees (i.e. trees over 40' tall) within the impact area. An impact area is defined as a distance equal to double the height of mature species.
6. The tree species is uniquely suited to the site or alternatively the optimal value is decreased at specific site.
  - a. Urban Habitat/Urban forest
  - b. Environmental tolerance
  - c. Property value
7. Value of tree as compared to cost to repair private and public damage by tree
8. Liability associated with tree.
9. Compliance with regulatory requirements, such as ADA
10. Value of tree as compared to future maintenance cost. A value analysis may be provided by an arborist on trees where the site

cannot be modified and further analysis of the tree's impact is needed.

B. The model upon which the value analysis was developed is "A Guide for Plant Appraisals" published by the International Society of Arboriculture. A similar document may be used as the basis for value analysis. The variables listed above are to be considered when conducting the value analysis.

## **E. NOTIFICATION, PROTEST, APPEAL, REMOVAL, AND REPLACEMENT PROCEDURES**

### 1. Notification Procedure

The Public Works Department shall not remove any street tree listed above in Section D, without first:

- a. Posting said tree with a conspicuous notice, and
- b. Notifying in writing the adjacent property owners and
- c. Posting on the City's web page

The notice and letter must be dated three weeks before any action is taken. The notice and letter must contain the reason for the removal. A copy of this policy, which describes the protest and appeal procedure, will be available upon request and on the City's web page.

### 2. Protest Procedure

Any resident or property owner can protest the removal of a street tree by writing to the Public Works Director no later than three weeks from the date of posting. In the event of a protest:

- a. The Public Works Director shall stop any removal action and reconsider the removal decision.
- b. If the Public Works Director and the citizen lodging the protest cannot reach an agreement, a public hearing date will be identified within two weeks. All concerned parties can attend this hearing and present evidence or testimony.
- c. After the meeting, the Director shall notify all concerned parties of his decision, in writing, within approximately two weeks after the hearing.

### 3. Appeal Procedure

Any resident or property owner can appeal the decision of the Public Works Director by writing to the Public Works Director or City Clerk, c/o City Hall. All appeals go before the City Council. There is an appeal fee, which is listed in the Master Fee Schedule.

4. Removal Procedure

- a. If there is an appeal, the tree shall not be removed until the City Council has made the final decision. All Council decisions are final and not open to further appeal.
- b. Any tree that is removed shall be replanted with a suitable replacement, provided the new site is in accordance with MSTP spacing criteria. If the tree site is not suitable, the nearest suitable site that complies with Appendix 3 "Preferred Distances Between City Infrastructure and Replacement trees" will be used.

**F. Protected Tree Removal Policy**

No protected tree within the Public Right of Way shall be removed without a certificate of approval from the Historical Advisory Board. Protected trees shall include: the Palm trees in the public right of way on Burbank Street and Portola Avenue; any street tree on Thompson and Central Avenues; and any Coastal Live Oak (*Quercus agrifolia*) with a ten inch or greater diameter measured 4.5 feet above the ground. Applicants shall submit an arborist's report in a case where the health of the tree is the reason for the requested removal of the tree, or a contractor's report in the case where damage to foundation or other structure is the reason for the requested removal. Any protected street tree shall be replaced, at the applicant's expense, except those shown to be unhealthy or causing damage to private structures, to the satisfaction of the Public Works Director. Any Oak tree shall be replaced with a minimum of two Oak trees at sites in accordance with MSTP spacing criteria, 15 gallons or larger and to the satisfaction of the Planning and Building Director. (Alameda Municipal Code Sections 13 - 21.7)

**G. Replacement Procedure**

- a. In general, trees removed for cause shall be replaced within 60 to 90 days with the same or approved species, in containers no smaller than 15 gallons.
- b. Tree species will be selected so that curb or sidewalk damage will be minimized.
- c. The property owner will be notified that a new tree will be planted and that they will be responsible to water the tree.
- d. The standard procedure is to install a special perforated pipe next to the new plantings, where soil conditions warrant, in accordance with tree planting guidelines.