

TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS

DATE: OCTOBER 5, 2009 CMR:400:09

REPORT TYPE: REPORTS OF OFFICIALS

SUBJECT: Status Report on California Avenue Street Improvements and Recommendations for Community Engagement Regarding Removal of City Owned Street Trees and Approval of Recommended Action Plan for Community Engagement and Board and Commission Review of Tree Replacement and Other California Avenue Street Improvements Including Addition of New Street Furniture, and Street Repaving and Restriping

EXECUTIVE SUMMARY

On September 14th, 63 trees were removed on California Avenue between El Camino Real and the Caltrain Station in accordance with a streetscape improvement plan in the City's Capital Improvement Program (PE- 07005). Although there was an overall design plan in place that had been developed over a number of years with input from numerous stakeholders, implementation of the street tree replacement element of the project began without proper public engagement to ensure community awareness and support for the project. Some stakeholder approvals ended after the original grant application. At the same time, elements of the design have been called into question including the lane re-configuration of California Avenue.

This report includes the recommended next steps to engage the public in the selection of replacement trees and formal review from the Architectural Review Board and the Planning and Transportation Commission of the tree replacement plan and other California Avenue Improvement project elements. An environmental document analyzing the lane re-configuration will be circulated October 6, 2009 for public review. This report also provides steps staff is taking to ensure City-owned tree removals do not take place in the future without full public involvement and proper City approvals. Lastly, this report includes steps to implement the Council priority of "Civic Engagement for the Common Good" on all City Capital Improvement Projects (CIPs) and ensure all Departments and the Executive Leadership Team (ELT) are working together on common goals related to City Capital Improvement plans.

RECOMMENDATION

Staff recommends that the City Council:

1. Approve the recommended action plan for community engagement for replacement of street trees on California Avenue;

2. Approve the review process for deciding on other California Avenue Street Improvements which may potentially include new street furniture, street repaving and restriping to eliminate one travel lane in each direction.; and
3. Approve the recommended actions to ensure that in the future City-owned trees do not take place without full public involvement and proper City approvals.

BACKGROUND

In 2005, the California Avenue Area Development Association (CAADA) appealed to the City for streetscape improvements similar to the ones performed on University Avenue. The requested improvements included street tree and street light replacement, traffic lane reduction, addition of bicycle lanes and pedestrian crosswalks, new street furniture, new newspaper racks and fountain repair. The existing street trees were reaching the end of their life span, some were conflicting with street lights and store fronts, and some had already been removed because of disease.

In 2006, CAADA worked with the City on developing a general master plan with a request for funding. Staff developed a conceptual plan for the improvements and applied for grant funding from the Metropolitan Transportation Commission. The California Avenue streetscape plan called for a complete and more uniform tree canopy, street improvements and other amenities. Street improvement projects in cities use simultaneous tree removal and replacement or staged replacement and the approach can vary based on different conditions and factors.

When the grant application was unsuccessful, the City sought to address portions of the project through the City's Capital Improvement Program (CIP), and continued to work with CAADA on the certain elements of the plan including street tree replacement, street lights, street furniture, fountain replacement and new trash/recycling containers and new paper racks. In 2007, Public Works staff surveyed approximately 93 trees along California Avenue and identified trees which were candidates for removal based on the following weighting criteria: health, structure, placement and aesthetics. None of the identified trees were heritage or protected trees. In January 2009, City staff met with CAADA and due to the high cost of replacing the street light system, the CAADA board voted to eliminate streetlight work from the project and use this money to replace street trees. At this meeting the CAADA Board also recommended replacing all the street trees at once. In March 2009, Council adopted a FY 2009 midyear adjustment to exclude street lights and reprogram funding for street tree replacements as part of a group of midyear adjustments to both the City's Operating and Capital Budgets. On August 26th the contract for the street tree replacement portion of the plan was awarded at the staff level since it was below the \$250,000 threshold requiring Council approval. On September 3rd, email notification of the upcoming work was sent to CAADA, which they distributed to their members and Palo Alto Neighborhood associations. On September 9th, staff distributed notices of work start-up to all addresses on California Avenue and tree removal work began on September 14th.

Although the Public Works staff received staff-level Architectural Review, tentative approval on September 14th, described the subsequent 14-day request for hearing period was required prior to the start of work, staff proceeded with tree removal immediately. This is NOT standard procedure for City construction projects. If the request for hearing period had been observed, there would have been opportunity for the public to request a public hearing before the Architectural Review Board (ARB) prior to project implementation, allowing for further

opportunity for public input and design modifications. The ARB agenda for September 24 noted the tentative approval and staff called the attention of the ARB to this, so that the ARB requested the public hearing. Staff also received a request for ARB hearing from a citizen after the ARB had requested scheduling of the item for full review at their October 15, 2009 meeting.

On Friday, September 25th, staff issued a press release apologizing to the broader community for the unfortunate tree removals on California Avenue and informing the public of next steps in the tree replanting effort (Attachment A). Staff was present at the California Avenue Farmer's Market on Sunday, September 27th to provide the community an opportunity to ask questions about the tree removals, planned replanting efforts, and the other proposed street improvements. A fact sheet was provided at the farmer's market detailing what happened, what the next steps will be to involve the Community in street tree replacement and information on the project background (Attachment B). Comment cards and a contact sign-up sheet were also available at the Farmer's Market and Staff will prepare a summary of comments received for use in preparing for the public meeting October 8th. The community has already begun the dialogue regarding possible solutions. One important action taken by resident Fred Balin was engaging Barrie Coates, Arborist who conducted an informational session also at the Farmers Market.

ANALYSIS

California Avenue Streetscape Project

There were certain steps that typically occur during the project development and implementation stages that did not occur with this project. Staff understands the current concerns of the community and business owners on this issue, recognizes the presence of many community "grass-roots" groups that are interested in City trees, therefore, Staff clearly acknowledges that extraordinary efforts to engage interested individuals and groups will be required to reach resolution on this issue. To this end, Staff proposes the following actions to address those concerns. Note that some of these dates may vary depending on the extent of the community input:

- Other than emergency repair work, staff has halted work on the California Avenue Street Improvement project until further public outreach on the street tree replacement plan can occur including City Council approval.
- Canopy, a Palo Alto-based urban forestry nonprofit organization, and Barry Coate, a well respected arborist in the area, are meeting with the City's Managing Arborist and other staff members on replacement tree choices including tree species and size. Recommendations on what type and size of trees to replant will be brought back to the City Council for consideration in November.
- **October 8**, City staff will hold a public meeting at the Escondido School Auditorium (890 Escondido Road) at 6:30 pm to discuss the proposed project and gather public comment on replacement tree selection. Staff will reach out to all interested residents and "grass-roots" organizations to ensure full public participation in this meeting. If necessary, follow up meetings with groups and/or individuals will be held.
- **October 15**, staff will present the project to the Architectural Review Board (ARB) to gather input on street tree replacement and other design elements including street

furniture and street repaving/restriping. The public will be given wide notification and invited to provide input to the Board prior to its decision.

- **October 28**, staff will present the project to the Planning & Transportation Commission (PTC) to review the street tree replacement plan and other project elements, particularly the proposed traffic lane reduction that would be done after street repaving.
- **In November** Staff will return to the City Council with a summary of the public comment received at the October 8 public meeting along with recommendations from the ARB and PTC. Staff will do extensive outreach to the community well in advance of this Council meeting to ensure Council's priority of Civic Engagement for the Common Good is met on this issue. The community conversation is well underway and it is staff's intention to open its process to support the community's efforts.
- The City has created a webpage (<http://www.cityofpaloalto.org/calave>) to keep the public informed on the project. There is also the ability for the public to subscribe to receive regular project updates. Any date changes will be posted to this website.

In working with Canopy, staff has discussed the possibility of having Canopy be directly involved in the street tree replanting efforts. Canopy proposed this approach and has tentatively scheduled a volunteer day to do the replanting on November 21st. Staff will need to work with its contractor, Suarez and Munoz to implement contract changes to provide suitable street tree planting locations including concrete sidewalk reconstruction and installation of tree grates prior to this occurring. Also, the above public process will need to be complete and Council approval received in order to meet the replanting date of November 21st. According to the City's Managing Arborist and Canopy this process could be extended into December and replanting could occur in January 2010 without affecting the successful growth of the new street trees. At the Sunday market, after Barrie Coates' talk, there was some conversation about the ability to meet the timeline.

Review Process Changes For Removal Of City Trees

Staff is also taking steps to ensure City tree removals do not take place in the future without full public involvement and proper City approvals. Also included are steps to more fully involve the public on all City Capital projects and to fully develop the City's Urban Forest Mater Plan. These steps include:

- Development of a written City-owned tree removal policy that will outline all necessary steps to be taken by staff prior to removal of any City-owned tree. This policy is being developed with input from Canopy and will include:
 - Community meetings;
 - Broad community notifications; and
 - Appropriate Board and Commission approvals.
- Development of a checklist to be used by staff to review all City tree removals. The checklist will include location, size and type of trees proposed for removal, and

reasons why they are recommended for removal. The checklist will be approved by the City Manager prior to removal of any City trees. Staff will prepare a draft for distribution to the Council and public at the October 5, 2009 Council meeting.

- Increased staff training on the steps to be taken prior to City owned tree removal and importance of trees in Palo Alto.
- All City Capital Improvement Projects (CIPs) will be subject to a full Architectural Review Board (ARB) hearing unless they do not involve the removal of mature City trees or meet the criteria for a minor projects as defined in Municipal Code Section 18.76.020 "Architectural Review" (Attachment C).
- All CIP projects involving Board and Commission reviews will be the subject of at least two public meetings during the preliminary design phase prior to the projects going out to bid for construction. The meetings at a minimum will consist of one meeting with local homeowners/resident association and their board of directors and one meeting with the general public at large. Both meetings will be held at a location as close to the project site as possible.
- To ensure the long range health of the City's urban forest staff will redouble its efforts to develop a comprehensive Urban Forest Master Plan including assigning staff to lead this effort, pursuing the grant opportunities the City has been awarded by CalFire and working with Canopy and other master plan stakeholders.

City Department Coordination Efforts

The City Manager is taking additional steps to ensure all Departments work more closely together on common City CIPs. In addition to the added steps described above involving Boards, Commissions and Public involvement the City Manager has established clear expectations that Department leadership will inform the Executive Leadership Team of upcoming significant projects and programs. Departments will be held accountable for these expectations. This will be done to facilitate full Civic Engagement in the City's CIP program and correct the implementation process which led to the unfortunate tree removals on California Avenue.

In addition, the City Manager's office will convene a regular multi-Departmental meeting where City CIPs and other operational initiatives are discussed and coordinated. Any proposed City tree removals and any pending City tree removal checklists will be a topic of discussion at these meetings.

The enhanced coordination is intended to improve communications both internally and with residents. Improved coordination between stakeholder departments on the numerous initiatives and proposals circulating in the community will facilitate a better dialogue with the community as a whole. Internal coordination will promote the development of a clear message which will facilitate identification of stakeholders and encourage effective civic engagement as early as possible.

POLICY IMPLICATIONS

Upon City Manager approval the City-owned tree removal policy will be incorporated into the City's Policies & Procedures Manual.

ENVIRONMENTAL REVIEW

This status report does not constitute a project and is exempt from California Environmental Quality Act (CEQA) requirements. City staff is preparing an Initial Study and Mitigated Negative Declaration that will discuss the current scope of the project including input on tree selection received during the extended outreach.

ATTACHMENTS

Attachment A: September 25 Press Release

Attachment B: September 27 Fact Sheet

Attachment C: City Municipal Code Section 18.76.020 "Architectural Review"

PREPARED BY:



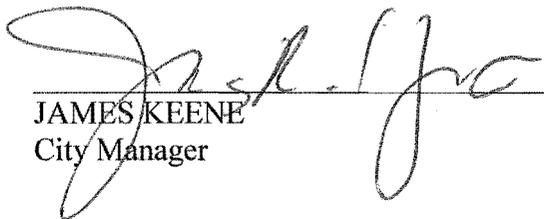
MICHAEL SARTOR
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GLENN S. ROBERTS
Director of Public Works

CITY MANAGER APPROVAL:



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City Manager

ATTACHMENT A


**Press
Release**

 The City of Palo Alto
Public Information Office

 250 Hamilton Ave
Palo Alto, CA 94301

09/25/2009

FOR IMMEDIATE RELEASE

PRESS RELEASE #09/25/2009

Subject : City Temporarily Halts Work on California Avenue Streetscape; Public Meeting on Project Scheduled October 8

Contact : Mike Sartor, Public Works Department 650-329-2270

Palo Alto, CA – With the exception of emergency maintenance, all work has stopped on the California Avenue Streetscape Improvement Project, pending a public meeting on October 8 to solicit input on tree selection and the formal Architectural Review Board hearing scheduled for October 15.

On September 14, 63 trees were removed on California Ave. between El Camino Real and the Caltrain Station in accordance with a streetscape improvement plan in the City's Capital Improvement Program. Although there was an overall design plan in place that had been developed over a number of years with input from numerous stakeholders, implementation of the street tree replacement element of the project began without proper public engagement to ensure community awareness and support for the project.

"We sincerely apologize for the mistakes made during the process that led to the unfortunate result," said Glenn Roberts, Director of Public Works. "There were certain steps that typically occur during the project development and implementation stages that unfortunately did not occur with this project."

In response to the concerns of the community and business owners on the project, the City is taking the following actions to address those concerns:

- Staff has halted work on this project until further outreach on a number of project elements can occur; however, new trees are expected to be planted in November pending Council approval.
- Canopy, a Palo Alto-based urban forestry nonprofit organization, is meeting with staff members on replacement tree choices and the project scope.
- **October 5**, City staff will return to City Council and respond to Council's request for action on a number of items including street tree selection, protocols and process changes to ensure this cannot happen again, and other matters.
- **October 8**, City staff will hold a public meeting on October 8 at the Escondido School Auditorium (890 Escondido Road) at 6:30 p.m., to discuss the proposed project and gather public comment on replacement tree selection and other project elements.
- **October 15**, staff will go to the Architectural Review Board (ARB) to gather input on further implementation of the design plan.
- **October 28**, staff will return go to the Planning & Transportation Commission (PTC) to gather input on further implementation of the design plan.
- **In November**, Staff will return to the City Council with a summary of the public comment received along with recommendations from the ARB and PTC.
- The City has created a webpage (<http://www.cityofpaloalto.org/calave>) to keep the public informed on the project. There is also the ability for the public to subscribe to receive regular project updates.

The existing street trees were reaching the end of their life span, some were conflicting with street lights and store fronts, and some had previously been removed because of disease. The California Avenue Streetscape plan called for a complete and more uniform tree canopy, street improvements and other amenities. Street

ATTACHMENT B

CITY OF PALO ALTO PUBLIC WORKS DEPARTMENT CALIFORNIA AVENUE STREETScape IMPROVEMENTS UPDATE 9/27/09

On September 14th, 63 trees were removed on California Ave. between El Camino Real and the Caltrain Station in accordance with a streetscape improvement plan in the City's Capital Improvement Program. Although there was an overall design plan in place that had been developed over a number of years with input from numerous stakeholders, implementation of the street tree replacement element of the project began without proper public engagement to ensure community awareness and support for the project.

The City sincerely apologizes for the mistakes made during the process and the unfortunate end result. There were certain steps that typically occur during the project development and implementation stages that did not occur with this project. We understand the current concerns of the community and business owners on this issue and are taking the following actions to address those concerns:

- Staff has halted work on this project until further outreach on a number of project elements can occur, however, new trees are expected to be planted in November pending Council approval.
- Canopy, a Palo Alto-based urban forestry nonprofit organization, is meeting with staff members on replacement tree choices and the project scope.
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to secure the purposes of this title, and to assure operation of the use in a manner compatible with existing and potential uses on adjoining properties and in the general vicinity.

(e) Application Review and Action

Applications for conditional use permits shall be reviewed and acted upon as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.020 Architectural Review

(a) Purpose

The purpose of architectural review is to:

- (1) Promote orderly and harmonious development in the city;
- (2) Enhance the desirability of residence or investment in the city;
- (3) Encourage the attainment of the most desirable use of land and improvements;
- (4) Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and
- (5) Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.

(b) Applicability

No permit required under Title 2, Title 12 or Title 16 shall be issued for a major or minor project, as set forth in this section, unless an application for architectural review is reviewed, acted upon, and approved or approved with conditions as set forth in Section 18.77.070.

- (1) Exempt Projects. Single-family and two-family residences do not require architectural review, except as provided under subsections (2)(C) and (2)(D).
- (2) Major Projects. The following are "major projects" for the purposes of the architectural review process set forth in Section 18.77.070, and are subject to review by the architectural review board:
 - (A) New construction, including private and public projects, that:
 - (i) Includes a new building or building addition of five thousand square feet or more; or
 - (ii) Is not exempt under the California Environmental Quality Act (CEQA) (Section 21000 *et seq.* of the California Public Resources Code); or
 - (iii) Requires one or more variances or use permits and, in the judgment of the director, will have a significant effect upon the aesthetic character of the city or the surrounding area;
 - (B) Any multiple-family residential construction project that contains three or more units;

- (C) Construction of three or more adjacent single-family homes or duplexes;
 - (D) In the Neighborhood Preservation Combining District (NP), properties on which two or more residential units are developed or modified, except when one of those units is a "second dwelling unit," as described in Section 18.10.140(d);
 - (E) Any project using transferred development rights, as described in Chapter 18.87;
 - (F) A master sign program, pursuant to Chapter 16.20;
 - (G) Signs that do not meet all applicable design guidelines adopted by the city council or do not conform to a previously approved master sign program;
 - (H) Signs requiring a sign exception pursuant to Chapter 16.20;
 - (I) Any minor project, as defined in subsection (3), that the director determines will significantly alter the character or appearance of a building or site.
- (3) **Minor Projects.** The following are "minor projects" for the purposes of the architectural review process set forth in Section 18.77.070, except when determined to be major pursuant to subsection (2)(I):
- (A) New construction, including private and public projects, that involves a new building or building addition of fewer than 5,000 square feet, and which is exempt under the California Environmental Quality Act (CEQA) (division 13 of the Public Resources Code, commencing with section 21000);
 - (B) Signs that meet all applicable guidelines and conform to any previously approved master sign program;
 - (C) Landscape plans, fences, exterior remodeling, and design of parking areas, when not part of a major project;
 - (D) Any project relating to the installation of cabinets containing communications service equipment or facilities, pursuant to any service subject to Chapter 2.11, Chapter 12.04, Chapter 12.08, Chapter 12.09, Chapter 12.10, or Chapter 12.13.
 - (E) Minor changes to the following:
 - (i) Plans that have previously received architectural review approval;
 - (ii) Previously approved planned community district development plans;
 - (iii) Plans that have previously received site and design approval;
 - (iv) Previously approved plans for projects requiring council approval pursuant to a contractual agreement, resolution, motion, action or uncodified ordinance;
 - (v) Existing structures requiring council site and design approval or approval pursuant to a contractual agreement, resolution, motion, action, or uncodified ordinance.

As used in this subsection, the term "minor" means a change that is of little visual significance, does not materially alter the appearance of previously approved improvements, is not proposed for the use of the land in question, and does not alter the character of the structure involved. If the cumulative effect of multiple minor changes would result in a major change, a new application for Architectural

Review approval of a major project, Site and Design approval, Planned Community District approval, or other applicable approval is required.

- (F) Any changes to previously approved plans requiring architectural review as a minor project as part of the conditions of a permit or approval.

(c) Preliminary Review

For the purpose of securing the advice of the architectural review board prior to making an application for the board's recommendation on a project, an applicant, upon paying a preliminary application fee, as set forth in the municipal fee schedule, may bring a design before the board for preliminary review. If the applicant wishes to proceed with the project, he or she must then file an application and pay a regular application fee. The comments of the architectural review board members during a preliminary review shall not be binding on their formal recommendation.

(d) Findings

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that:

- (1) The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan;
- (2) The design is compatible with the immediate environment of the site;
- (3) The design is appropriate to the function of the project;
- (4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;
- (5) The design promotes harmonious transitions in scale and character in areas between different designated land uses;
- (6) The design is compatible with approved improvements both on and off the site;
- (7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
- (8) The amount and arrangement of open space are appropriate to the design and the function of the structures;
- (9) Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;
- (10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;
- (11) Natural features are appropriately preserved and integrated with the project;
- (12) The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;