



**MINUTES  
PARKS & RECREATION COMMISSION  
SPECIAL MEETING  
April 26, 2022  
Council Chambers and Virtual Conference  
Palo Alto, California**

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**Commissioners Present:** Chair Greenfield; Vice Chair LaMere, Commissioners Nellis Freeman, Shani Kleinhaus, Anne Cribbs and Amanda Brown

**Commissioners Absent:**

**Others Present:**

**Staff Present:**

**CALL TO ORDER & ROLL CALL**

Chair Greenfield welcomed the attendees to the April 26<sup>th</sup> regular meeting of the Parks and Recreation Commission.

**BUSINESS**

**1. Adoption of a Resolution Authorizing Use of Teleconferencing for Parks and Recreation Commission Meeting During COVID-19 State of Emergency**

Motion by Commissioner Brown to approve the Resolution. Seconded by Vice Chair LaMere, the motion passed, 6-0, by roll call vote.

**PUBLIC COMMENT**

**AGENDA CHANGES, REQUESTS, DELETIONS**

**APPROVAL OF MINUTES**

**2. Approval of Draft Minutes from the March 22, 2022, Parks and Recreation Commission Meeting**

Chair Greenfield noted the conversation at the last meeting regarding making sure the actions are included in the minutes so that it would be possible to record them properly for viewing. In this month’s minutes, the action is referring to all of the items that were



1 documented by Mr. Do in the meeting, but the actual attachment of the work plan which  
2 was voted on was not included and consequently he would not be voting to approve the  
3 minutes until this is included. Chair Greenfield noted the importance of including the  
4 attachment of any presentation given at a Commission meeting.

5 Motion by Commissioner Brown to approve the minutes of the March 22, 2022, Parks and  
6 Recreation Commission meeting. Seconded by Commissioner Kleinhaus, the motion  
7 passed, 5-1, by roll call vote.

8 **CITY OFFICIAL REPORTS**

9 **3. Department Report**

10 Mr. Anderson noted that City Council interviewed five applicants for the vacant Parks and  
11 Recreation Commission position and will make their appointment at the Monday, May 2<sup>nd</sup>  
12 meeting. The topic will come up at around 6:30. Council also reviewed the work plans for  
13 the Public Arts Commission, the Utilities Advisory Commission and the Stormwater  
14 Oversight Committee. The Parks and Recreation Commission work plan is scheduled for  
15 Council review on Wednesday, June 1<sup>st</sup>, at 5:00 p.m.

16 Mr. Anderson passed on a request from Adam Howard for two Commissioners to join the  
17 Judges Task Force for the May Fete Parade floats. Commissioner Brown has volunteered  
18 but two more are needed. To volunteer, email Adam Howard for information. The May  
19 Fete Parade is on May 7<sup>th</sup> at 10:00 a.m. This year's theme is "What Empowers You?"  
20 which honors and pays tribute to the resilience of Palo Alto's youth and puts a focus on  
21 sustainability. The parade will start at 10:00 a.m. at the corner of University Avenue and  
22 Emerson Street.

23 Mr. Anderson updated the Commission on recreation camps. Summer camps are coming  
24 soon, and in-person camps are at 81 percent capacity already. Some of the more popular  
25 camps, such as cooking, Lego, invention camps already have large wait lists. Recreation  
26 staff are trying to accommodate the wait lists by adding additional sessions, spaces  
27 available and looking to add more instructors, as available.

28 The Rinconada Park project was successfully completed on April 1<sup>st</sup>. The new playground  
29 is popular, with children at play on it the day it opened. There are also new park benches,  
30 picnic tables, repaved pathways, and some native plantings. There will be a community  
31 celebration and official grand opening of the Junior Museum and Zoo, Rinconada Park  
32 and the JMZ's new solar system exhibit on Saturday, May 14<sup>th</sup>, from 11:00 a.m. to 2:00  
33 p.m. There will be an official ribbon-cutting ceremony; speakers' program with City and  
34 Friends of the JMZ officials; family-friendly entertainment, including a DJ; opportunities  
35 to encounter animals at the Junior Museum; free tours of the newly-renovated JMZ; and  
36 other fun things, such as free ice cream by Treatbot and food trucks.



**APPROVED**

1 Mr. Anderson reported that the Cubberley tennis courts are scheduled to be resurfaced  
2 starting Monday, May 2<sup>nd</sup>. The project should be completed by approximately June 30<sup>th</sup>.

3 Regarding recruitment, with Community Services being down positions, particularly in  
4 Parks and Open Space for quite some time, they recently filled the vacant park ranger  
5 position, filled by Nate McClure, who was promoted from a seasonal Assistant Ranger to  
6 a full-time Park Ranger. He will be stationed at the Baylands but filling in throughout the  
7 Open Space Preserves. Postings for the Garden Coordinator position formerly held by  
8 Catherine Bourquin, a Parks Maintenance position and a Parks Irrigation position are all  
9 closed on their postings, which means they will be moving on to interviews very soon. It  
10 will be a big help to have the new people on, probably around early June.

11 Mr. Anderson reported that a bobcat with kittens was observed at Foothills Nature  
12 Preserve, not far from the Interpretive Center. Also, the wildflowers are blooming at  
13 Foothills, and Mr. Anderson encouraged people to go and take a look. The barn and cliff  
14 swallows have returned to the Baylands and are busy building their nests at the Baylands  
15 Nature Center.

16 Vice Chair LaMere asked how visitation has been at Foothills Preserve. Mr. Anderson  
17 responded that it is staying steady, at about 100 percent over the historic average fairly  
18 consistently, with no closures. According to the Rangers, it has been manageable, and they  
19 have not had the problems on weekends that were experienced at the initial opening, such  
20 as vehicles parked in inappropriate places, pedestrian/vehicle interactions, et etcetera.

21 Commissioner Cribbs asked if there was an update on the gyms at Cubberley. Mr.  
22 Anderson said Gyms A and B are still closed. They are waiting for a second environmental  
23 analysis report. They are encouraging people to use the Pavilion or other neighboring  
24 gyms, like the YMCA. He did not anticipate reopening of the gyms very soon but will find  
25 out more with the new report.

26 Commissioner Freeman asked about the tennis court repairs and whether this was being  
27 communicated to the public. Mr. Anderson said this involves the outside courts at  
28 Cubberley. He said they had signage there which got pushed out one week. The contractor  
29 was not available on the originally published date, so the signage was updated and the  
30 Cubberley staff was notified. Mr. Anderson thought it would be open again around June  
31 30<sup>th</sup>. Commissioner Freeman wondered if there were limitations on what people can and  
32 cannot do on the new courts and if this information would be posted; for example, certain  
33 types of shoes, et cetera. Mr. Anderson said they hoped when it was opened it would go  
34 back to standard hours and operations. The delayed start may compromise the end date,  
35 but he will provide updates to the PRC and to the signage for users of the Cubberley courts.

36 Chair Greenfield commented that it is exciting news that the third staff position is being  
37 filled, the Garden Coordinator/Parks Maintenance/Parks Irrigation position.

**APPROVED**

1 Commissioner Brown wondered if there were any drought impacts which will affect the  
2 fields in the near term in light of the Governor’s Executive Order regarding jurisdictions’  
3 non-functional turf. Mr. Anderson said it is something they are expecting soon and are  
4 planning for. The rule specifically says if it is for aesthetic purposes, or non-functional,  
5 that the turf cannot be irrigated using potable water. Also, if it is not used for some sort of  
6 recreation, there must be trees connected. Anderson said they are brainstorming and  
7 planning where they will turn off heads selectively. He noted that it will look a little  
8 strange, because they are going to do everything they need to do in order to make sure the  
9 trees stay alive. This may mean that on a given piece of turf with scattered trees, they are  
10 only able to turn off certain heads. So little brown circles or semi-circles and then green  
11 on the exterior may be noticed and can be explained by their efforts to keep the trees alive.  
12 He said they do have some explanatory signs which will be placed to inform the public.  
13 He will also be working with the Utilities Department on something clever to post, to  
14 explain the strange look, such as, “Brown Is the New Green” or something to that effect.

15 Chair Greenfield asked if there were plans to expand the irrigation to add bubblers near  
16 the trees which could be left on while the sprinkler heads are disabled. Mr. Anderson  
17 replied that what is needed is when new irrigation systems are designed, the trees should  
18 be on a totally separate system. It is difficult to do this piecemeal after the fact, and they  
19 have talked about this in certain situations. For special situations, it may be possible, but  
20 currently is not a tactic they are considering. Chair Greenfield noted the importance of  
21 stressing trees’ need for water, even during periods of shortage.

22 **BUSINESS**

23 **4. Ad Hoc Reports**

24 Chair Greenfield invited any updates from the committees or liaisons.

25 Commissioner Cribbs reported on the Recreational Opportunities Ad Hoc. They have met  
26 on a weekly basis and are making progress collecting information from various parties  
27 regarding the gym and wellness center. They have been reviewing the list of items that  
28 would be needed to be in such a center, and they will also be looking at potential locations.  
29 She thought they would have some cost analysis in the next couple of weeks, and they feel  
30 positive about how things are going. Regarding the skate park, there is a meeting coming  
31 up on May 4<sup>th</sup>. She thought the First Tee MOU or Letter of Intent would go to Council  
32 around the first or second week in May.

33 Commissioner Brown met with staff and a representative from the dog park group to  
34 review proposed modifications to the dog park area at Mitchell Park and got some great  
35 information. She anticipated coming to the full Commission in the future. On the court  
36 usage, the Ad Hoc is reviewing information from staff on restriping in advance of the  
37 Senior Games. They will be reporting on that at the next meeting. Chair Greenfield



1 wondered about the date of the Senior Games and when the work would need to be  
2 completed, and also what the work involves. Commissioner Brown said it involves  
3 changing the color of the pickleball striping on the multi-use courts to a different color.

4 Commissioner Freeman had seen the striping and commented that it is a very subtle  
5 yellow. He was also very impressed that they were able to squeeze two courts on each side  
6 of the nets. The thought was that the color changes could be accomplished without any  
7 complaints from the public, but will answer the demands of the pickleball community. He  
8 said they will reach out to find out if there were any complaints from any of the tennis  
9 players, but from what they've heard, people have been able to go along with the changes,  
10 which make the courts multi-use for the benefit of everyone concerned. He thought it was  
11 something they would want to support.

12 Chair Greenfield asked for clarification that this is for the four multi-use courts  
13 at JLS. Commissioner Freeman said this is the case. The stripes are currently blue.  
14 Commissioner Freeman thought for the Senior Games, the objective was to try to  
15 make it uniform, to mirror other pickleball courts. Commissioner Cribbs added that the  
16 Senior Games are on Memorial Day Weekend, the end of May.

17 Chair Greenfield reported that the Electric Conveyances Ad Hoc had their first meeting  
18 and spent the time on a framing discussion to narrow down what it is they are looking to  
19 make a policy recommendation on. They will be trying to put together timeframes and  
20 some constraints in terms of what is in their purview and what is reasonable and realistic  
21 to aim for. They appreciate all of staff's support on this, and Mr. Anderson is confident  
22 that they can get a policy recommendation done this calendar year.

23 Chair Greenfield encouraged the Ad Hoc Committees to try to meet in the coming month  
24 before the next meeting and work to make some incremental progress on goals and projects  
25 they are aiming towards.

26 **5. Save the Bay Presentation**

27 Mr. Anderson introduced Jesse McKeen-Scott, Restoration Program Manager at Save the  
28 Bay. Mr. Anderson shared that about 22 years ago he was a ranger at the Baylands and  
29 was running different habitat restoration projects. He was doing the best he could with  
30 limited resources and staff, but would reach out to the Boy Scouts or others and would  
31 lead programs to remove invasive plants. He recounted that Marilyn Latta had reached out  
32 to him, offering to partner with him. This was the beginning of a 21-year relationship that  
33 has been outstanding, Mr. Anderson said it has been totally problem-free and their  
34 expertise and resources have been a gift to their operation and goals of reaching habitat  
35 improvements. He was grateful to Ms. McKeen-Scott for coming to share about the  
36 partnership and about Save the Bay.

1 Ms. McKeen-Scott gave a presentation on Save the Bay, which is the oldest and largest  
2 non-profit organization working exclusively to celebrate, protect and restore the San  
3 Francisco Bay. It was established in 1961. The organization works on policy issues,  
4 education and restoration around the Bay. Save the Bay has partnered with the City of Palo  
5 Alto and the Palo Alto Baylands for the past 20 years to restore the wetlands transition  
6 zone between the extensive marshes at the park. The habitats are important refuges for  
7 marsh-dependent wildlife and also provide buffers between critical infrastructure and  
8 rising sea levels, as well as provide scenic natural areas for Bay Area residents.

9 Save the Bay has a staff of around 25 people in the entire organization. Their team is made  
10 up of five full-time staff members, as well as some additional seasonal staff members,  
11 fellows and super volunteers. They can be seen out in the fields in the Baylands. Ms.  
12 McKeen-Scott encouraged Commissioners, if they see them out doing work, to come and  
13 ask questions, as they love interacting with the public and answering questions they might  
14 have.

15 The habitat restoration team has three key areas of focus, which include mobilizing the  
16 public to help restore transition zone habitat; educating community members, including  
17 the next generation of Bay savers; and working with partners and land managers to  
18 contribute to large-scale restoration efforts.

19 Ms. McKeen-Scott shared some history of the San Francisco Bay in general. Ninety  
20 percent of tidal marshland has been lost in the Bay. There are currently 80,000 acres that  
21 are protected, enhanced or restored in some way, and an additional 30,000 acres designated  
22 for upcoming restoration. The goal at Save the Bay is to help re-establish the tidal marsh  
23 ecotone to create habitat for Bay wildlife and to help communities adapt to sea level rise  
24 from climate change.

25 The habitat restoration work is located specifically within the transition zone, which is  
26 fairly unique to Save the Bay. It means they are working adjacent to the tidal marsh, but  
27 not actually going into it. They work in the zone generally in the midpoint in the mid-level  
28 marsh. The zone provides many important ecosystem services in an area with rich species  
29 biodiversity. It is an important habitat for endangered and endemic plant and animal  
30 species, including the salt marsh harvest mouse and the Ridgeway's Rail. It is a buffer  
31 from upland anthropogenic inputs entering the waterways as well as vice versa, protecting  
32 communities from storm surges and rising sea levels. It is also an important carbon sink,  
33 trapping carbon instead of having it go into the atmosphere.

34 Save the Bay focuses on this transition zone to help kickstart the reestablishment of this  
35 habitat, a process that might take 10 to 15 years on its own. They hope to speed this up to  
36 have the transition zone reestablished in three to five years. In thinking about the rate at  
37 which climate change is impacting bayside communities, speeding up the process is  
38 important.

**APPROVED**

1 Specific work toward this goal includes highly seasonal and fairly predictable work.  
2 They just finished the winter out-planting season, having planted 30,000 to 40,000  
3 container plants at different sites around the Bay. They direct-sowed native seed  
4 and also experimented with farming equipment, to distribute rhizomatous plant  
5 material into the transition zones. They are now transitioning into the spring season with  
6 a focus on sowing seeds and transplanting in the nurseries.

7 Alongside of restoration work the organization also provides public programming. There  
8 are seven restoration sites around the Bay, five of which include nurseries. They have  
9 worked at the Martin Luther King Shoreline, part of the East Bay Regional Parks District,  
10 as well as the Palo Alto Baylands for nearly 20 years. The sites are primarily used to  
11 engage the public, student and corporate groups through onsite and nursery programs.  
12 They have also taken on some larger scale transition zone restoration projects after a very  
13 successful completion of the Oro Loma Horizontal Levee Project in the East Bay. Newer  
14 projects have included work at Eden Landing in Hayward as well as a large seasonal  
15 wetland complex of 42 acres at Bel Marin Keys in the North Bay and two sites in the  
16 South Bay Salt Pond Levee Project at Ravenswood.

17 Ms. McKeen-Scott shared some of the upcoming work planned for the Palo Alto Baylands  
18 starting this year. One of their container plant nurseries is located near the Palo Alto Duck  
19 Pond. Two upcoming sites will include the entry lot site and the nature center. At the entry  
20 lot site is a 1,400-meter square site currently characterized by large patches of invasive  
21 Italian Buckthorn shrub and locally introduced Big Saltbush, with grassy clearings of non-  
22 native annual grasses and perennial smilo grass also spread throughout. The goals for this  
23 site include removing the Italian Buckthorn and Big Saltbush which are obstructing the  
24 view of the marsh from the parking lot and re-vegetating with diverse locally-sourced  
25 native plants that are adapted to the site conditions and that will provide a beautiful  
26 experience for park visitors as well as critical habitat for wildlife.

27 The Nature Center lot is divided into two sections. The southern section totals around  
28 1,400 meters square and the northern section is approximately 650 meters square. The  
29 restoration goals for this site are similar to those for the Entry Lot, but with increased  
30 opportunity with this site to experiment with more wetland species in the swale.

31 A big part of work happening in the fall and winter are team planting days when the  
32 thousands of plants grown in the nursery are taken into the field and planted, where they  
33 can grow and fill in the site. This work includes monitoring, especially in the spring and  
34 early fall, which is important in gauging the success of new restoration techniques, as well  
35 as identifying whether they are hitting goals around native plant cover versus non-native,  
36 et cetera. Questions come up while monitoring sites, such as which plant species are found  
37 in the transition zone and at what abundance; or how many plant species are found in the  
38 transition zone. Monitoring sites over multiple years allows for gauging success and



1 increased understanding.

2 Another frequent event in the coming weeks and months will be on Thursdays at the  
3 Baylands with students, running educational programs and community programs. In a non-  
4 COVID year Save the Bay would bring up to 2,700 students out to the shoreline for free  
5 service learning programs. The programs include educational curriculum as well as hands-  
6 on restoration work. While they are not quite up to the level of in-person program  
7 participation they were at pre-pandemic, they are very happy to be able to welcome  
8 students to the shoreline again and work with them in the field. They have also connected  
9 with a larger audience through their new online platform, Outdoor Learning Online  
10 (OLO). As with many organizations, during they pandemic the organization pivoted to an  
11 online interface in 2020 due to COVID restrictions. The hope is that the portal will be a  
12 space to enrich onsite programming and engage with a wider student audience.

13 Ms. McKeen-Scott concluded by stating that Save the Bay is grateful for the partnership  
14 they have had at the Palo Alto Baylands, and with the City of Palo Alto, for the past 20  
15 years. It has allowed them to do important work.

16 Chair Greenfield offered appreciation for the enlightening presentation. He invited  
17 questions and comments from the public. Hearing none, he invited questions or comments  
18 from the Commissioners.

19 Commissioner Freeman was impressed with the presentation. He asked about the people  
20 helping, including the students, and wondered if they were reaching out to local colleges  
21 and universities and schools for that assistance. He said the fact that it takes a number of  
22 years from the time they actually start their work until they actually see progress is  
23 impressive as well. He asked if there are any special tools that they use for that purpose.  
24 Ms. McKeen-Scott responded that when it comes to monitoring, they are usually visiting  
25 a site over a course of three to five years to measure the progress, depending on specific  
26 contracts or grants they are operating under and how long they want to monitor. She said  
27 they have specific protocols but the actual tools include things like meter tapes, elevation  
28 measurement tools to measure consistently at correct heights across a habitat. They use  
29 the Fulcrum app, which is a data app which allows them to track their data over time. They  
30 also use PVC quadrants to simply identify which plants are seen in a given plot, measure  
31 them and observe how it changes over time. The equipment is not complicated, although  
32 it takes a little training to get everyone on the same page and make sure they are monitoring  
33 in the same manner and identifying the species correctly.

34 Commissioner Brown thought it was a lot of work for five full time staff, and she was very  
35 impressed with their great work in partnering with the City.

36 Commissioner Kleinhaus asked about the Palo Alto restoration sites and wondered if there  
37 is any conflict in any of the sites with the Palo Alto Horizontal Levee Project. Ms.





**APPROVED**

1 McKeen-Scott did not know of any. They have been working with the Rangers at the Palo  
2 Alto Baylands specifically to select their sites. Commissioner Kleinhaus thought that one  
3 of them was quite close. She asked why they are removing the Saltbush. Ms. McKeen-  
4 Scott this is partly to create a safer space for members of the public who are using the  
5 parking lot because the bushes grow very large in that space, and they want members of  
6 the public to feel safe and feel that they have a clear view of the marsh and the area when  
7 they are recreating there. Also, because the species is very good at growing quickly and  
8 taking over a large amount of space, it makes it difficult for other native species to compete  
9 in that area. She said they won't be coming in and wiping out these species at once, but  
10 will be very selective about how it is done, paying close attention to impacts on people  
11 and wildlife. Commissioner Kleinhaus said she felt strongly that Saltbush is a native plant  
12 which grows there, and if it hides the Bay, then it should be planted somewhere else  
13 before removing it, and allowed to grow. She didn't agree with removing an important  
14 habitat and said Saltbush is not all over the place but is in that area. She had a strong  
15 reservation about removing habitat and felt it was an assumption that people didn't  
16 feel safe. She understood removing the Buckthorn, which is not a native species. She  
17 also noted that Atriplex needs to be a lot more.

18 Commissioner Kleinhaus asked about collecting biological information and wondered if  
19 it available to the public. Ms. McKeen-Scott thought they did release some of their  
20 information and they do present information to members of the public. She was not totally  
21 sure how the data has been presented in the past, other than coming to speak at different  
22 events. She would check on this. Commissioner Kleinhaus suggested using a naturalist to  
23 help people see what is there and what was there, with public transparency about the  
24 information collected, perhaps posted online.

25 Commissioner Kleinhaus asked if there was monitoring for species that are coming in,  
26 perhaps not yet in large populations but are expanding and invasive. Ms. McKeen-Scott  
27 they are, and they monitor not only for the specific native species that they planted, but  
28 generally looking at which other species are coming in and establishing in an area. As they  
29 see populations expanding they are able to target those as they do their projects onsite.  
30 Commissioner Kleinhaus thought this was great and could also be posted online to educate  
31 others to be able to identify such species.

32 Commissioner Kleinhaus noted with the Saltbush that there is so little vegetation that  
33 removing a stand of an important native species should possibly be reconsidered. Chair  
34 Greenfield asked Mr. Anderson to comment on the oversight process for work that the  
35 Save the Bay is doing, and how their projects are presented and approved. Mr. Anderson  
36 said that it is typically done hand-in-hand with the Supervising Ranger at the sites, who  
37 would do much of the coordination, although Save the Bay is probably so integrated with  
38 other projects that some level of the organization is already tied to things like the  
39 Horizontal Levee. Where they are not, their conduit would be the Supervising Ranger,



1 Lisa Myers [phonetic], who would be the nexus point to ensure cooperation and  
2 coordination, in addition to tying into other organizations like the EVs who are on site,  
3 too.

4 Ms. McKeen-Scott clarified that they will not be removing all of the Saltbush, but just  
5 stemming it back some so that there is more species biodiversity in the area to promote  
6 increased species richness and biodiversity there. Commissioner Kleinhaus replied that  
7 she understands from an ecological point of view large stands of native plant provide a  
8 lot more for pollinators and other wildlife. She said patch size matters ecologically so  
9 having more diversity in one spot may actually reduce the value of that spot. She said she  
10 has done some research on these things, and doesn't think they necessarily need to  
11 diversify every spot. When there is a plant that is part of the Baylands historical ecological  
12 system that is thriving then it brings species with it –species which eat it and species  
13 which hide in it, et cetera, and removing some of it to diversify the spot can impact that  
14 species. Commissioner Kleinhaus said they are impacting the ecosystem so much that  
15 restoration projects should be very careful not to remove or degrade habitat in any  
16 way. She noted that it is one of the species that they try to plant in certain places, such as  
17 campuses, in Bay View at Moffit, because it brings so much with it. She concluded by  
18 saying if they are going to remove it here, then they should make a nice stand of it  
19 somewhere else.

20 Mr. Anderson shared that when he was a Ranger at the Baylands there were many areas  
21 that were barren or completely dominated, 100 percent, with invasive weeds. Save the  
22 Bay was just starting, focused on one area. He said he looked at those species – such as  
23 Coyote Bush – that some agencies, including Fish and Wildlife Service would remove  
24 when it had become such a monoculture. He said when he heard this he wondered  
25 why, if it was a native species and good habitat. He said in certain situations he planted  
26 hundreds of Coyote Bush, and they filled in the barren areas. He felt it made a lot of  
27 sense, and likewise with Atriplex. There were areas where it strategically made more  
28 sense to have it than take it out and run the risk of some invasive taking over, unless it  
29 could be replanted very well, as Save the Bay does. He said the point of Commissioner  
30 Kleinhaus was well-taken and thinks it is a good thing to keep an eye on, and if an  
31 adjacent area is barren, perhaps that should be the first focus for some of the plantings.  
32 He said he also had a great deal of trust in Save the Bay, and they can discuss this and see  
33 if there is a happy medium to reach.

34 Mr. Anderson also commented on another benefit provided by Save the Bay – the effect  
35 they have had on youth, both regionally and in Palo Alto. He shared that in the beginning  
36 he would often join them on their programs, and the difference between the City-run,  
37 Ranger-run programs was significant. He said they set an example of how to inspire people  
38 to care. He said one day when they were planting, at the end of the day, after three hours  
39 of hard work, each kid had a small water bottle and, rather than drink it, they were pouring  
out the last of their drinking water to water their newly-planted plants. He was impressed  
by the creation of future environmental <sup>10</sup>stewards Save the Bay was creating teaching

1 and including them in every phase of the restoration process, with litter and trash removal  
2 as well as invasive species removal, growing the seeds in the nursery and collecting them  
3 and re-planting them out in the field. He commended and thanked Save the Bay for the  
4 impact it has had on their community and their youth.

5 Commissioner Cribbs loved the program and has been aware of it for a long time. She  
6 appreciated all that Ms. McKeen-Scott and the team has done. She wondered if there was  
7 anything that the Commission could do for Save the Bay outside of what the City and Mr.  
8 Anderson's staff does. Ms. McKeen-Scott said she would have to think about it and said  
9 it as been a wonderful partnership. The Rangers have been very helpful and there for them  
10 to answer any questions, and they are very grateful for this.

11 Vice Chair LaMere appreciated the presentation and the work of Save the Bay. He said  
12 getting so many youth involved is wonderful. He asked about the financial relationship  
13 between the Commission and Save the Bay and the process of funding by the City. Mr.  
14 Anderson advised that there is no financial relationship, just a mutual exchange of the  
15 rangers supporting them wherever they can. They used to leave bags of the invasive  
16 species where they were working and the rangers would come and pick them up. He said  
17 Save the Bay just gives tremendous support, and there is no financial reimbursement for  
18 it. Vice Chair LaMere asked how the organization raises their funds. Ms. McKeen-Scott  
19 responded that they are a non-profit and largely funded by grants and private donors. Some  
20 of the funding comes from when they leave programs with corporate groups, they pay to  
21 participate in volunteer work, and some of that funding goes to work they are doing in the  
22 Palo Alto Baylands. They also just got a large donation from Salesforce who is funding  
23 some of the work, as well as some other sites. This is a large grant that just came in.

24 Vice Chair LaMere asked where their nursery is located. Ms. McKeen-Scott said one is  
25 located at the Palo Alto Baylands, out of their five nurseries spread around the Bay. It is  
26 just off of the Duck Pond. Vice Chair LaMere wondered if they ever monetize the amount  
27 of work that they do to benefit the Baylands and Palo Alto. He thought it would be  
28 interesting to see a number of all the hours and all that they are doing, which is such a  
29 benefit to the community and the entire Bay.

30 Chair Greenfield agreed it would be a helpful point for future presentations to point out  
31 that there is no financing coming from the City for all of the work they do for the  
32 community. He said he is excited to learn about the nursery. When he used to take his kids  
33 to the Duck Pond to throw bread into the pond, he always wondered about the area with  
34 all of the plants growing, and now it's good to connect the dots. He asked what percentage  
35 of the work that Save the Bay does is at the Palo Alto Baylands. Ms. McKeen-Scott  
36 estimated in the ballpark of around 25 percent. That number may be going up a little bit as  
37 they dive into some of the new sites. She estimated that staff is at the nursery at least once  
38 a week and also sprinkled throughout the week as well.

1 Chair Greenfield noted that all the work done with five employees is incredible. He asked  
2 if their full time staff level fluctuated much, during COVID, or in general. Ms. McKeen-  
3 Scott said they are looking to the future as they kick off new programs and bring students  
4 back into the field. They are starting look at bringing a few more staff members onto the  
5 team. She said during COVID they maintained about five staff members throughout. In  
6 the winter they do hire a couple additional staff. There were two seasonal staff members  
7 working only in the field to help plant the massive number of plants. She also  
8 acknowledged their “super volunteers,” folks who have been coming out just to volunteer  
9 with them on a regular basis. Many have been with the organization longer than some of  
10 the staff, so they rely on their support to help them expand their impact.

11 Chair Greenfield asked regarding the sites mentioned, both near parking lots, whether they  
12 expect foot traffic through these areas and if so, how they will accommodate or prevent it,  
13 and how it might affect what they choose to put in the area. Ms. McKeen-Scott responded  
14 that many of the areas have trails that run alongside them. She didn’t necessarily expect a  
15 lot of increased foot traffic in the area, because hopefully people will stick to the paths.  
16 However, with certain species, as they get established, it is possible that they might put up  
17 some markers or flags around some of them so make people aware of them and pay  
18 attention to them while wandering through. She said they mostly stay on the pavement,  
19 and there is not much reason to go off the path because there are already trails right  
20 alongside where they will be planting.

21 Chair Greenfield asked for more information about the major partners that they work with  
22 and asked if they are working with San Francisco Estuary Institute and what their role is  
23 in the Horizontal Levee Project proposal. Ms. McKeen-Scott said they do have a lot of  
24 partners and are a part of the Estuary Institute. They also partner with East Bay Regional  
25 Parks District, the Novato Baylands Stewards and are generally part of many larger  
26 organizations working to protect the Estuary. Their policy team also collaborates with  
27 other organizations to advance their work. They are a part of the Horizontal Levee. She  
28 said she came onboard recently and hasn’t been entirely introduced to the project but  
29 knows that it is something that they are involved in.

30 Chair Greenfield invited further questions or comments. Hearing none, he extended thanks  
31 to Ms. McKeen-Scott for the presentation and the organization’s work in the community.  
32 He hoped to have them back for a return visit in a year or two for an update.

33 **6. Review of the Proposed Updates to the City’s Tree Protection Ordinance**

34 Chair Greenfield explained this item is looking at proposed changes to Title 8 of the  
35 Municipal Code, Trees and Vegetation. He invited the staff presentation and outlined the  
36 agenda for the item.

37 Mr. Anderson introduced Peter Gollinger, Acting Urban Forester, Public Works



1 Department.

2 Mr. Gollinger shared the presentation on this item. The Ordinance was first passed in 1951  
3 with the last major update in 1996. There have been new City policy documents adopted  
4 since the last update but not yet backed by Municipal Code. There has also been new state  
5 legislation that has taken place since the last update, including the Model Water Efficiency  
6 Landscape Ordinance and new regulations around wildfire prevention. In addition, there  
7 have been numerous recent studies that have expanded upon benefits provided by the  
8 urban forest which are much greater than previously thought.

9 A timeline of the historical updates for Title 8 include adoption of the Tree Ordinance by  
10 Palo Alto in 1951 to protect city trees. In 1995, oaks were included as a protected species.  
11 In 1999, the Preservation and Management Guidelines for private trees were enacted.  
12 Redwoods were added 2001, and in 2011 the tree removal requirements for the Hospital  
13 District were updated. One of the policy documents that has been adopted since the last  
14 update is the Urban Forest Master Plan. Some specific goals in the Master Plan relate to  
15 the Ordinance. These include achieving a greater percentage of native, drought-tolerant  
16 species; ensuring there is no net loss of benefits during development; increasing habitat  
17 health and social benefits; striving for no net loss of canopy; and increasing canopy cover.

18 The 2030 Comprehensive Plan was adopted since that update as well, and it includes  
19 several goals and key actions related to the Ordinance, some in other chapters besides  
20 “Natural Environment.” The urban forest plays a role in many portions of the  
21 Comprehensive Plan, primarily improving the overall distribution of citywide canopy  
22 cover; periodical updating of the Tree Ordinance, and striving towards the aspirational  
23 long-term goal of achieving 50 percent canopy cover across the city.

24 The Sustainability and Climate Action Plan currently in process also has a number of goals  
25 and key action related to the Urban Forest. One is to increase tree canopy to 40 percent by  
26 2030 and ensure no net loss of tree canopy for all projects. The state laws referenced are  
27 Executive Order B-29-15, which is the Model Water Efficient Landscape Ordinance that  
28 basically ensures that large landscape projects are waterwise and water-efficient. They  
29 must follow a water budget and submit landscape plans to be approved. Also, SB 247, the  
30 Wildfire Prevention bill put additional restrictions on vegetation management for fire  
31 prevention.

32 Mr. Gollinger went over some of the benefits of the Urban Forest. He said he saw a recent  
33 article equating canopy cover with prescription of antidepressants, and the higher the  
34 canopy cover, the less prescriptions were written, which was fascinating. There is good  
35 health data published tied to canopy cover. Quantifiable benefits, depending on the total  
36 number of trees calculated in the Urban Forest – for which there is no accurate inventory,  
37 only estimate – 29 to 49 tons of CO2 are sequestered annually. Almost a million gallons  
38 of stormwater are diverted away from storm drains during regular rain years. Almost



1 300,000 pounds of air pollutants are removed, and almost 84 million kilowatt hours of  
2 energy are saved.

3 Details of the changes proposed were outlined and categorized into three main sections.  
4 First, updates to lists of authorized officers and relevant staff positions. Many of the  
5 positions involved with the maintenance of the ordinance and enforcement were not in  
6 existence when it was written. They are restructuring some of the chapters and sections to  
7 increase clarity and document flow and have some substantive changes to align the  
8 Ordinance with existing policies and state laws.

9 Permits for work on public trees, which are permits that a resident would apply for to do  
10 work on a City-owned tree. This often happens if a resident would like to have more  
11 frequent pruning than is provided by the City's seven-year cycle. Or it could involve work  
12 on a tree in conjunction with a development project, for which permission is needed. This  
13 process has been streamlined and the reasons for it and steps clarified for in this section of  
14 the Ordinance.

15 Two sections of the Ordinance focus on enforcement, one for enforcement for public trees  
16 and one for private trees. These sections have been updated to clarify what types of  
17 penalties can be applied and the list of employees who are authorized to issue violations.  
18 The main types of penalties used are administrative penalties which are handled through  
19 the City's Administrative Penalty schedule and process. Civil penalties would be handled  
20 in a court of law, and stop work actions, or development moratoriums, handled through  
21 the development process.

22 A big change proposed is a Designated Arborist system in which the City would create a  
23 list of qualified, certified selected arborists from which an applicant could choose to hire  
24 to complete any documents relating to their application. The main items the designated  
25 arborist would be responsible to fill out would be the Tree Disclosure Statement  
26 accompanying an application for development; Tree Preservation Reports; Hazard  
27 Assessments; or other arborist reports. The current draft specifies that applicants would  
28 select and hire from the list on their own, unless the project automatically triggered a  
29 hearing, in which case the City would reserve the right to select an arborist appropriate for  
30 the project. Menlo Park has a similar program, and the selection process would probably  
31 be modeled off of that. Ideally, there would be a set of clear and concise standards that an  
32 arborist would need to meet to be on the list. This would avoid any preferential treatment  
33 of any arborist.

34 The definition of excessive pruning has been expanded in the proposed draft. Currently,  
35 the definition does not include roots, so roots have been included into the standard 25-  
36 percent definition, meaning if 25 percent of the tree was removed during a specific period  
37 of time. The current ordinance states 12 months and the proposal is to revise the time  
38 window to 36 months. If 25 percent of any portion of a tree were removed within a 36-



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1 month period, it could be a violation of excessive pruning. Also, oaks have been separated  
2 out of the main definition, and now pruning of 15 percent or more is considered excessive  
3 for oak species, to prevent damaging the root systems of native oaks.

4 Some of the biggest changes to the ordinance are in regard to protected trees. The proposal  
5 is to add several additional native species to be protected at 11.5 inches, which is the  
6 current threshold for Valley Oaks and Live Oaks. Also added would be Big Leaf Maples,  
7 Incense Cedars, Blue Oaks and California Black Oaks. All other species would be  
8 protected at 15 inches with the exception of invasive species, which would be listed on the  
9 Cal-IPC list and high water users on the Water Use Classification of Landscape Species  
10 (WUCOL) which is run by the Department of Water Resources and the UC system.  
11 Redwoods would be the least protected of all the protected species, which is a big change  
12 and is more in line with neighboring municipalities.

13 Most of the other protected tree categories are in existence currently. Any tree designated  
14 for protection during review and approval of a development project; any tree designated  
15 for carbon sequestration and storage or environmental mitigation purposes; and any  
16 replacement mitigation tree or other tree designated to be planted due to the conditions in  
17 the Ordinance. This essentially protects replacement trees that are planted when a  
18 protected tree is removed. One of the key pieces of the current ordinance process is the  
19 *Tree Technical Manual*, the “tree bible” for anyone working with development or  
20 protected trees within the city. The new ordinance would be supported by an updated  
21 manual, called the *Tree and Landscape Technical Manual*. The addition of landscape  
22 would be needed to cover some of the Model Water Efficient Landscape Ordinance  
23 (MWELo) requirements. Specifications within the manual will include prioritization of  
24 locally native species, the inclusion of climate-adaptive and drought tolerant species as a  
25 secondary priority, and the goal of net tree canopy increase on the property within 15 years.  
26 Landscape design, irrigation and installation standards will also be included.

27 Updates to the Prohibited Acts section include re-organization into several different  
28 categories to discuss when a protected tree may be removed in certain situations. The  
29 categories include: Outside of the development process; as part of development on a  
30 residential lot; as part of a project with a subdivision of land; as part of any other project  
31 requiring discretionary approval by the City; and any other circumstances other than the  
32 previous ones listed. This was intended to clarify where the current ordinance has all of  
33 these lumped together into one section.

34 Allowable reasons for tree removal outside the development process would include when  
35 the tree is dead, hazardous or a nuisance; the tree is a detriment to or is crowding an  
36 adjacent protected tree or is impacting the foundation or eaves of a primary residence.  
37 Trees removed under this category may trigger and 36-month development moratorium  
38 with mitigation measures required to lift the moratorium early. This clause prevents a

1 loophole where a dead or dying tree can be removed with a tree permit and the applicant  
2 could immediately apply for a development permit. This would ensure that any tree  
3 removals would be considered as part of the development permit, which is the preferred  
4 method.

5 Allowable reasons for removal as part of development on a residential lot are the same as  
6 the previous situation, with the addition of a category intended to capture language from  
7 the previous ordinance, but clarify it. The tree is so close to the proposed development that  
8 construction would result in the death of the tree and there is no financially feasible and  
9 reasonable design alternative that would permit preservation of the tree.

10 Allowable reasons for a project that has a subdivision of land include the when the tree is  
11 dead, hazardous or a nuisance and removal is unavoidable due to restricted access or is  
12 deemed necessary to repair a geologic hazard.

13 Most other projects would fall under the category of a project requiring discretionary  
14 approval by the City. This would be where the 25-percent rule currently in place is  
15 addressed. They have added the specification that no financially feasible and reasonable  
16 design alternative is available that would permit the preservation of the tree. Additionally,  
17 the tree could be removed if it is dead, hazardous or a nuisance. In such cases, equal area  
18 of the drip line would need to be preserved for mitigation. This is an area equal to the  
19 canopy of the tree which needs to be preserved so that mitigation plantings can occur.

20 Changes to the care of protected trees were discussed next. The list of items which may  
21 negatively impact protected trees has been expanded to include some other items, such as  
22 underwatering. A requirement is added for owners of protected trees to notify the City and  
23 publicly post their intent to maintain their tree. This is to educate neighbors and the public  
24 and prevent panicked calls from residents worried that a tree is being removed when, in  
25 fact, it is being pruned for maintenance. Owners would also have to verify that they will  
26 be following best management practices in hiring an arborist to do this work. This also  
27 educates the owners on the proper maintenance of the tree and notifying neighbors that the  
28 work will be happening.

29 Tree removal in the Wildland Urban Interface Area – the WUI in Palo Alto is essentially  
30 everything south and west of 280 and is considered a higher fire danger zone.  
31 Consequently, any issues that come up in this area will be ruled by the fire ordinances. An  
32 additional update to the Tree Ordinance is planned which has a separate set of rules for  
33 dealing with protected trees in the WUI, but it was felt it more important to have the rest  
34 of the ordinance go before Council now. Some changes have also been made to  
35 applications, notices and appeals to streamline the language and increase clarity in the  
36 process. Also added are some additional notification requirements for protected tree  
37 removal applications, including posting on the property on the City website and by mail  
38 to addresses within 600 feet. It also requires notice when applying for a permit and when





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1 a decision is made, as well as an appeals process. The draft of this has the exact process  
2 used in Chapter 18.78 which may be modified to include an appeals process based on this  
3 but stays inside of Public Works as opposed to the Development Center. This is still being  
4 worked on.

5 A summary of the potential impacts to residents that may cause the most impact would  
6 include having to file for a protected tree removal permit to remove trees that were  
7 previously unprotected. These must qualify and meet removal guidelines in order to get  
8 the permit. Also, the new requirement regarding notifying neighbors and the City prior to  
9 maintenance. It is expected that many more applications will be submitted for development  
10 projects that will now require an arborist report. Tree disclosure statements and arborist  
11 reports must be completed by a designated arborists, where currently the architect or  
12 homeowner could complete this to be reviewed by City staff.

13 Mr. Gollinger stated that they will be continuing to work on the Ordinance and will be  
14 presenting it most likely at the first meeting in June, to the Council. If all goes well, they  
15 will proceed from there.

16 Chair Greenfield thanked Mr. Hollinger for the presentation, which is a major and very  
17 detailed, comprehensive change, and fitting since the policy has not been updated in 20  
18 years. Chair Greenfield disclosed that he is an advisor to Canopy and has also been  
19 working as part of a resident ad hoc group on reviewing and recommending updates to the  
20 Ordinance in conjunction with Canopy and staff and subject matter experts, including  
21 former Urban Forester, former City Arborist and consultants in the field. He pointed out  
22 that this was a discussion item/study session, so no action would be taken.

23 Chair Greenfield invited questions from members of the public connected via Zoom.  
24 Seeing none, he noted that the staff report included last October's City Council review of  
25 the recommended changes to the Ordinance and directed staff to conduct further public  
26 outreach. The item under consideration is part of the public outreach. Also, at the October  
27 City Council meeting, staff was directed to formalize the relationship between the PRC  
28 and the Urban Forestry Section, so they now have a formal role as the community forum  
29 for Urban Forestry issues, including review and recommendation on policy updates. The  
30 Commission normally considers parks and open space areas, so Chair Greenfield asked  
31 Mr. Gollinger to clarify the scope of the Ordinance with respect to open space areas.

32 Mr. Gollinger explained that as far as parks go, anything outside of the WUI would be  
33 handled just like other part of the Ordinance. They have historically held City projects that  
34 are run by Urban Forestry or Utilities, or any department, with the same standards as they  
35 have in the Ordinance, and that will continue. This includes replanting requirements,  
36 posting requirements, et cetera. Regarding open space, because the majority of the open  
37 space with the exception of the Baylands is in the high fire danger zone, he felt that the  
38 fire regulations would trump tree preservation. So, if there was a protected tree that needed

1 to be removed due to fire clearance requirements, then that would be allowed.

2 Chair Greenfield wondered if this refers in general to everything east of I-280. Mr.  
3 Hollinger stated this is the case. Chair Greenfield invited questions from the  
4 Commissioners.

5 Commissioner Kleinhaus noted the discussion of building permits and demolition, and  
6 asked where in the process the grading permit is issued. Mr. Hollinger said it is rare to  
7 have a grading permit that is not part of a larger project, so it would be handled as part of  
8 the larger project. If the project required discretionary review from Planning, then it would  
9 be handled with those requirements. If it was a residential project, then it would be subject  
10 to those requirements. He believed it would fall into the category of the overall project.  
11 Commissioner Kleinhaus suggested including grading specifically in the document, as she  
12 has seen grading permits that were provided that ended up with no trees and no buildings,  
13 just a graded area. Mr. Hollinger said it was something they could look into. They do  
14 require a tree fencing inspection before anything is done, including grading or trenching.

15 Commissioner Freeman asked, since it has been over 20 years since there's been any  
16 change, if there had been any thought to the types of communication that would be used  
17 to educate the public once the ordinance is implemented. Additionally, he asked what level  
18 of enforcement would take place. Mr. Hollinger said they have an outreach plan in place,  
19 and much of that would be done by the non-profit partner, Canopy. They have also begun  
20 discussions about a phased-in approach in regard to enforcement. Meaning, once the  
21 ordinance goes into effect, all of the protection measures exist, but they could perhaps  
22 allow a little bit of time before starting to write violations for lack of posting for  
23 maintenance. The big changes will require some education and outreach to not only  
24 residents, but the tree companies as well. The protections for additional species would  
25 need to be in place from the moment the ordinance goes into effect. On the other hand,  
26 issues such as the designated arborist list will take some time to establish, so perhaps that  
27 wouldn't be put into effect for the first few months. They are discussing this and will make  
28 a proposal before Council regarding what they recommend for implementation.

29 Commissioner Kleinhaus said one of the letters received asks about removal of invasive  
30 trees on City properties, such as Trees of Heaven, and she wondered where that would fit  
31 within the ordinance, or if there is a program to remove some of the invasive trees. Mr.  
32 Hollinger responded that Tree of Heaven and privets and a few others are definitely on the  
33 invasive, not protected, list. It is part of the Urban Forest Master Plan that they have a  
34 program to selectively remove these, and they have done some work with internal staff on  
35 this and are looking to expand upon it, but there is currently no formal program.

36 Commissioner Freeman asked how they determine nuisance, as it seems somewhat vague.  
37 Mr. Hollinger said there is a very specific definition of nuisance in Title 8. It spells out  
38 exactly what constitutes a nuisance, so a resident couldn't just claim something is a

1 nuisance because it's dropping leaves in their pool. It must meet qualifications of the  
2 ordinance.

3 Chair Greenfield invited comments from members of the public. He noted that five letters  
4 have been received, from Ann Balin, Claire Elliott, Melanie Grondel, Joe Hirsch and  
5 Catherine Martineau from Canopy.

6 Catherine Martineau, Executive Director of Canopy, spoke on behalf of the Canopy Board  
7 and staff to express support for the updates and their thanks to staff for their work and  
8 thoughtfulness that has been put into the preparation of this version. She said they are  
9 pleased that the important changes that they advocated for have been incorporated. More  
10 native trees will be protected, and the ordinance will align better with the tree protection  
11 in neighboring cities. She mentioned that a week ago, the East Palo Alto City Council  
12 approved their first Urban Forest Master Plan, and it includes an update to their City Tree  
13 Protection Ordinance to strengthen tree protection through measures that are similar to  
14 those proposed for Palo Alto. Another important detail is the alignment with the Water  
15 Efficient Landscape Ordinance (WELO). The project has been a long time in the works.  
16 She said in 2018, a few years after the Urban Forest Master Plan for Palo Alto was adopted,  
17 Walter Passmore started the process of updating the ordinance, but it was stalled until last  
18 summer. It came to City Council in October and has been in the works since then. She said  
19 they are happy that there is momentum to get the ordinance passed in early June. Ms.  
20 Martineau noted that large trees are regularly being felled, and that Canopy receives many  
21 calls from residents, upset when they see trees going down. The ordinance update will  
22 protect many more trees. She commented that there is only one solution to lower ambient  
23 temperature in urban areas, and that is the urban forest. Each time a tree falls, it is like an  
24 air conditioner is shut off, but amazingly this air conditioner is natural, beautiful and runs  
25 on renewable energy.

26 Rob Levitsky spoke on behalf of the trees of Palo Alto, which have been taking a beating  
27 the last few years. He said he spent the last six years working with Dave Doctor [phonetic],  
28 Walter Passmore and Peter Gollinger to try to understand the existing rules in Palo Alto  
29 regarding trees, which have been pretty vague. He felt it was important to get the new tree  
30 ordinance approved to tighten up the rules. Mr. Levitsky shared a photo of a garage which  
31 formerly had a tree next to it. He said on a weekend, it just went away. None of the rules  
32 applied because no one applied for a permit. He said it was hidden behind an LLC with no  
33 code enforcement to chase it down. He said if they can afford to pay code enforcement to  
34 chase down a leaf blower, hopefully they can chase down people that cut down oak trees.  
35 He showed another photo of a very large oak tree next to the Post Office, which during  
36 election time people do their canvassing there, at the farmer's market. He said he heard a  
37 chain saw one day a couple weeks ago and found a crew up in the tree cutting it down.  
38 Apparently, one of the chief Planning officials signed a "death warrant" for the tree. He  
39 said in the first case, people cut trees down without a permit and just hide. In another case,

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1 the City sanctions it because one part of the City doesn't know what the other part of the  
2 City is doing. He was able to make a call to Mr. Gollinger, and ultimately enough of the  
3 tree was left that there is still a tree there, but in another five to ten minutes the tree would  
4 have been gone. In a third case, in his front yard, he said there were five branches, and a  
5 crew came by a few weeks ago and cut off two of them – 45 percent of the tree – with no  
6 permit, just an arbitrary decision. Mr. Levitsky said he is in favor of the tree ordinance and  
7 hoped they could get some teeth behind it. He said if trees keep coming down, they may  
8 need a system that can be triggered by the sound of chain saws to stop such things from  
9 happening.

10 Karen Holman thanked staff for their efforts working on this much-needed ordinance. She  
11 related that she has been thinking about the long view and the short view of things. There  
12 used to be a rail line from Stanford University to Santa Cruz, but it was taken out, so people  
13 drive on Highway 17. There used to be trolleys in many towns, including Palo Alto, that  
14 took people to the downtown. Most of them are gone, including in her hometown, so  
15 everyone drives to downtown. If the long view had been applied perhaps things would be  
16 different. During the pandemic, when traffic was light, the skies were such a deep rich  
17 blue and the air was clean. Also, the birds came back, more birds than had been seen in a  
18 long time. Mr. Holman said according to a 2019 issue of *Audubon*, in the last 50 years  
19 North America has lost one in four birds, not only threatened species, but backyard birds.  
20 In the Western Forest Area of study they have lost 140 million birds, nearly a 30 percent  
21 decline as of 2019, prior to the last couple years of devastating wildfires. Other studies  
22 speak of frightening numbers of species going extinct in the last 20 years. The *Audubon*  
23 article lists a few reasons. Noteworthy among them is the significant loss of trees.

24 Ms. Holman quoted ecologist Doug Ptolemy, who said, “Every time we force another  
25 species into extinction, we encourage our own demise.” Regarding Palo Alto and the long  
26 view, she said among the numerous benefits of trees is how they clean the air and also  
27 provide habitat. She said if birds are the “canary in the coal mine” it seems obviously what  
28 they need to do is everything they can do to support a robust urban forest. With wildfires  
29 continuing as an annual threat it is even more important for cities to support a healthy  
30 urban canopy to compensate to the extent that they can for the loss of these forested lands.  
31 Projects of all kinds need to embrace trees. When looking over Palo Alto, rooftops should  
32 not replace treetops. Smart, environmentally responsible projects incorporate trees. Ms.  
33 Holman mentioned other issues that impact trees and habitat, such as light pollution.  
34 Regarding the Parks Commission, she hoped they would keep the long and broad view in  
35 sight. She said, as Director of the Board of Mid-Peninsula Regional Open Space District,  
36 they talk trees a lot and but it is not the complete picture. Surrounding communities must  
37 also provide avenues for wildlife migration to and from the open spaces. The Commission  
38 has a big hand on whether Palo Alto takes the long view or looks back and wishes they  
39 had made better accommodation for trees. She urged the Commission to listen to what the  
40 birds are telling them.



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1 Winter Dellenbach spoke on the essential value of trees in Palo Alto, which lend a sense  
2 of place, with tree-lined streets and cool, tree-shaded parks and preserves that contribute  
3 to civic pride. She said trees are lovely, majestic, provide wildlife habitat and simply make  
4 people feel good. Also, as science informs, trees in the urban forest are essential during  
5 this time of rapid climate change and need for sustainability. According to UC Davis,  
6 proximity to urban trees is critical for interruption of climate change and to foster good  
7 human health. All trees sequester carbon, some more than others. The bigger they get, the  
8 more carbon they hold onto. Older trees such as oaks and coastal redwoods may contain  
9 tons of carbon, so they need to protect the trees they have and plant more of them. She said  
10 removal of trees releases their stored carbon back into the atmosphere, so they needed to  
11 be thoughtful about removing trees. Ms. Dellenbach quoted Environmental Professor,  
12 Brian Stone, stating that “trees are the most effective strategy and natural technology we  
13 have to guard against heat in cities.” Trees mitigate heat island effects by cooling buildings  
14 and homes, lowering air temperature in neighborhoods by up to ten degrees. The U.S.  
15 Department of Energy states that carefully positioned trees may reduce a home’s energy  
16 costs by 25 percent and demand for electricity for air conditioning is reduced by shade  
17 trees, sparing money and emissions, while helping to avoid potentially catastrophe power  
18 failures during heat waves. Ms. Dellenbach asked that the Commission approve the draft  
19 Tree Protection Ordinance as written to ensure the many critical benefits that the Urban  
20 Forest provides if Palo Alto is to keep its climate and sustainability commitments by the  
21 year 2030, including increasing the urban forest canopy to 40 percent.

22 Keith Reckdahl noted that he was speaking only for himself. He spoke on trees’ ability to  
23 improve Palo Alto’s quality of life. Whether in parks, yards or along streets, they make  
24 lives better. Trees beautify neighborhoods, provide shade that cools, create habitat for  
25 wildlife and improve air quality by removing particulates and pollutants. He said Palo Alto  
26 is fortunate to have a better tree canopy than many neighboring communities. However, it  
27 is increasingly under pressure. New construction often results in loss of large trees that  
28 will take decades to replace; larger buildings leave less room for yard trees, and climate  
29 change is reducing the rainfall that trees require to survive. Mr. Reckdahl said the updated  
30 Tree Ordinance will protect more trees and help preserve the valuable canopy. It will  
31 require practical alternatives to be considered before a protected tree can be removed and  
32 will prioritize planting species appropriate for the local climate. Mr. Reckdahl’s only  
33 complaint with the new Ordinance was that while its maximum \$10,000 fine is significant,  
34 he fears within the world of multi-million-dollar houses, some builders may consider  
35 \$10,000 to be a small price to pay in order to build the trophy house they desire. Overall,  
36 he strongly supports the updated Tree Ordinance as an important step to preserve the tree  
37 canopy and the livability of Palo Alto.

38 Chair Greenfield invited comments and questions from the Commissioners.

39 Commissioner Cribbs offered a thank you for this long-overdue change, and commended



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1 everyone that has been working on it. She was interested in the cost to the City and asked  
2 if it had been calculated in terms of staffing, communication costs, and other costs that  
3 will be associated with the ordinance. Mr. Gollinger said he had a meeting earlier where  
4 this was discussed. He said they have been pulling historical data from the permit system  
5 to try to determine the percentage of permits that are routed to Urban Forestry for review  
6 so that they can anticipate what that percentage will look like once the number of protected  
7 trees is expanded. He did not have any preliminary numbers to share yet, but will make  
8 sure they are detailed in their staff report to Council. Commissioner Cribbs asked about  
9 staffing and if it will be included as well. Mr. Gollinger said it would be included as well.

10 Commissioner Cribbs asked how the life of a citizen will be different dealing with the  
11 updated Tree Ordinance, going through the process. Mr. Gollinger thought it might  
12 actually be easier. Due to the designated arborist system, many details would be handled  
13 by the arborist working with the architect or builder on a project. Somewhat less would  
14 need to be hands-on from the owner's perspective. The difference is more projects would  
15 need Urban Forestry review and would need arborist reports because there will be a much  
16 larger number of properties with protected trees. Commissioner Cribbs was glad that  
17 Canopy is in full support as a partner, and state that whatever they say is a good thing.

18 Vice Chair LaMere also appreciated the hard work on this and said the importance of the  
19 canopy cannot be overstated. He liked the mention of mental health, climate change and  
20 many other important reasons for keeping the trees. He found interesting Mr. Reckdahl's  
21 point about the \$10,000 fine potentially being seen as just a cost of doing business in  
22 comparison to the cost of the property. He inquired, when protecting an oak at 11.5 inches,  
23 how old of a tree that might be, and looking at the DBA to the diameter at breast height,  
24 what the ages are of some of the trees. Mr. Hollinger said it would depend on the growing  
25 conditions. He felt the fastest that a Coast Live Oak, for example, could reach 11.5 inches  
26 could be between 12 and 20 years old. If it is in a situation where it is growing much  
27 slower, it could be quite a bit older. Tree species can vary dramatically in amount of growth  
28 per year, depending on conditions.

29 Vice Chair LaMere thought one of the main points is even if 12 to 20 years, the time  
30 horizons they look at to replace the trees is so long that taking something out even if it  
31 wasn't that big, it may have taken 20 years just to grow to 11.5 inches. He felt the standards  
32 were reasonable and on par with surrounding communities, but it was staggering to think  
33 about how much time it takes to replace trees. He appreciated the tremendous amount of  
34 time and effort in capturing many different aspects of what they hope to accomplish.

35 Commissioner Kleinhaus offered thanks to the people involved in developing the  
36 ordinance. She agreed with previous comments about importance of trees in the urban and  
37 suburban forest and environment and how important it is to include the birds in the trees  
38 as well. She felt the update to the Ordinance is critically important at this time as they see

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1 hemorrhage of trees in every community in the valley due to development, drought  
2 and other situations. She shared that she was at the Google campus earlier that day, where  
3 there is an egret rookery and in half a block there were nesting Great Egrets, Snowy  
4 Egrets, Black-crowned Knight Herons, bluebirds, Black Phoebies, and a White-tailed  
5 Kite. She said the reason they can do that is that they take care to protect the area during  
6 the nesting season. She recommended going to see it on Shorebird Way.

7 Commissioner Kleinhaus commented on the grading permit, reiterating that it should be  
8 included. She referenced the Tree and Landscaping Manual as written in the  
9 Comprehensive Plan looks to mainly prioritize native trees, but says in Section 810.030 to  
10 include non-native trees if the arborist recommends it. She said in her experience, arborists  
11 do not know how to work with native trees, so they usually recommend things out of their  
12 toolbox which often does not include many native trees, and she was concerned about that  
13 and not sure how it can be addressed in a way that potentially they can explain why they  
14 did not include native trees as the first selection. Also, she felt in some areas, allowing  
15 thirsty trees that are not drought tolerant would be okay because the ground water level is  
16 so high that it can support plants that are not drought-tolerant. She thought they should  
17 allow that if they know that the groundwater can support the tree without irrigation. She  
18 said it is possible in the future that there will be recycled water available for irrigation and  
19 they won't have to be as strict about drought.

20 Commissioner Kleinhaus said the manual talks about replacement ratios and does not  
21 explain them and whether in lieu fees would be allowed or not. During COVID she noted  
22 the birds could sing without a lot of chain saw noise, and she thought during the nesting  
23 season they could potentially limit how much pruning and cutting and removing of trees  
24 could be done. This potentially could be somewhere in the permit. City protocols could  
25 address what could be deferred to a time when the birds are not nesting, such as September  
26 through January. If someone is given a permit to remove a tree and they don't need to start  
27 building right away, she wondered if they could be asked to not remove the tree until after  
28 the nesting season. She felt that cutting vegetation during those months should be avoided  
29 in general, although it is impossible to completely prohibit it. Incorporating the bird  
30 nesting season into the ordinance somehow would make it a step ahead of many other  
31 communities, a step in the right direction.

32 Commissioner Brown noted this was a lot of work and thanked staff and all those involved  
33 in the project. She felt the timing was great, and in addition to the challenges of the  
34 drought, air water, and climate change there has been talk about the pandemic. Many  
35 people were at home, many are still working from home and hear what their neighbors are  
36 doing. She especially like the neighbor noticing piece of the ordinance and that neighbors  
37 will be partners in this, in terms of enforcement, so making sure the community is educated  
38 is essential as the ordinance is implemented. She also liked the development moratorium,  
39 to Vice Chair LaMere's point. Many times developers bake that it to their costs,

1 unfortunately, and she felt that the development moratorium is an effective strategy. She  
2 referenced the case in Los Angeles with a ten-year development moratorium for trees. She  
3 felt it was a good strategy and would be very effective in implementing the ordinance.

4 Commissioner Brown commented on the designated arborist system, stating she like it  
5 because it eliminates some of the “he said/she said” that sometimes comes up with tree  
6 removals and differing opinions conflicting with one another. She said the staff report  
7 stated it may be an RFP process. She was concerned that it would be a lot of staff time to  
8 redo the RFP and keep it updated, making sure that the review of arborists on the list is  
9 evaluated in a timely manner to make sure they are still meeting their requirements and  
10 getting regular education and, as they have staff turnover, they are still up-to-date on the  
11 requirements in Palo Alto.

12 Commissioner Brown asked about the removal of protected trees section and how it would  
13 interact with the state legislation related to SB 9 and ADUs. She wondered how it would  
14 work if someone were to try to build an ADU through the state legislation building permits  
15 and which requirements would trump the other in that situation. Mr. Gollinger responded  
16 that the state regulations would trump if someone was on the state compliance pathway. If  
17 the project triggers the local compliance pathway, then they would be able to enforce the  
18 tree ordinance more fully. Commissioner Brown posed the question if some was using SB  
19 9 rules, whether they could take out an oak or other protected tree, with the City having  
20 no protection against it. Mr. Gollinger said they would be able to work with them on the  
21 approval process to try to save as many trees as possible, but if it came down to having to  
22 remove one in order to make the project happen or not happen, then they would have  
23 preference under the state law. So there is some leeway, but ultimately, state law would  
24 trump. Commissioner Brown asked if this would be the same for SB 9 lot splits. Mr.  
25 Gollinger said they are consulting the Attorney’s Office now to determine whether they  
26 should include a bullet point on the subdivision section that would say basically if it  
27 happened to be an SB 9, that other conditions may apply. He thought the original intent  
28 was for larger projects to avoid wholesale removal of trees on lot lines for larger projects  
29 outside of the SB 9 category.

30 Commissioner Brown asked about the increase from a risk perspective, how they work  
31 with the City Attorney’s office on that and how the City would monitor tree maintenance  
32 on the existing street trees and in public areas to ensure that the trees that are protected are  
33 kept healthy. As more trees are preserved there is some additional risk accompanying that,  
34 both to the property owners with the trees and with the City. She asked how the City  
35 Attorney’s Office is looking at that and whether there would be additional maintenance or  
36 inspection programs for City trees to ensure that they are healthy as more of them are  
37 protected and retained in the City. Mr. Hollinger said that City-owned trees are protected  
38 already, regardless of size or species. Their procedure for removal of a City street tree  
39 would have to do with the risk assessment on the tree, and he did not think it would change





1 dramatically with the new ordinance, because street trees are determined based on  
2 availability of the particular site, and their goal is to have the largest canopy tree in each  
3 site that they can find. Regarding additional risk for private tree owners, he thought the  
4 provisions for tree removal would allow for removal of a tree that is considered a hazard,  
5 as determined by an arborist's assessment.

6 Commissioner Brown asked if there might be certain carve-outs. For example, Saratoga  
7 waives certain things for their WUI area, but wanting to keep it as simple as possible, there  
8 are some trees that might not fall into either the drought or invasive species lists. For  
9 example, Bradford Pears that shed limbs after a certain amount of time that could cause  
10 damage. She asked if there was any consideration to expanding that list to include some  
11 of those more risky tree species. Mr. Hollinger thought it was something they could look  
12 at in a future update, although they hate to condemn an entire species due to a proclivity,  
13 but that is one where he might agree. He said they thought it would be more concise to  
14 follow existing lists that are actively maintained by Cal IPC and by the *Water Use*  
15 *Classification of Landscape Species*, which seemed like a consistent and steady way to  
16 determine what would not be protected.

17 Chair Greenfield asked Mr. Hollinger to comment on the maximum fine possible for a tree  
18 being removed. He stated it as being \$10,000, and Chair Greenfield thought it could be  
19 increased above that. He asked Mr. Hollinger to comment on the RFP issue that  
20 Commissioner Brown brought up. Mr. Hollinger said the new *Tree and Landscape*  
21 *Technical Manual* has not been drafted yet. As they get closer to going to Council that will  
22 be up and ready as soon as possible. The replacement ratios will probably be similar to  
23 what is included in the current manual; however, they will probably find a way to prioritize  
24 natives. The way the in-lieu fees works is the applicant would have to work with the  
25 reviewer to explain why they need to do an in-lieu fee, and they will work with them to  
26 try to get as many trees in the ground as possible, so it won't be a blanket approval if they  
27 say they want to pay for six in-lieu trees and they only plant two.

28 Regarding the maximum fine, Mr. Hollinger said there is some leeway, especially if they  
29 use the administrative penalty process. They can re-write the administrative penalty  
30 schedule, and certain violations could be 100 or 200 percent of the fine. Chair Greenfield  
31 thought there was a provision where the fine would be either a dollar amount or the value  
32 of the tree. Mr. Hollinger said that was correct, and if the assessed value of the tree was  
33 higher than the \$10,000, they thought it would be the higher value. In certain situations it  
34 could be double the assessed value of the tree as well. Chair Greenfield asked what the  
35 range might be for the assessed value of a tree. Mr. Hollinger replied it depends on the  
36 situation and the species, but could be anywhere from \$30,000 to \$60,000 for a large oak  
37 in good condition. On the RFP question, he said they considered this because it was the  
38 method that Menlo Park used. With concerns about staff turnover, this is listing the specific  
39 arborist by name, not the company. A specific arborist must be on the list in order to

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1 perform anything having to do with a designated arborist assignment. This is how Menlo  
2 Park is arranged. Palo Alto may not end up following the RFP process and do something  
3 similar but not a formal process. He said this was discussed at the ARB meeting, that they  
4 feel it's important to have clear and concise standards that they need to meet so it is not  
5 ambiguous. If the arborist can prove that they are qualified and meet all the certification  
6 requirements then they would be included in the list.

7 Commissioner Freeman gave a shout out to the public which would be helping in the  
8 enforcement in making sure that the ordinance is followed. Also, since it took 20 years to  
9 get to this point, he felt that they ought to treat this as a living document and adjust as  
10 things changes. He thought this would also include adjusting by adding additional trees to  
11 the inventory based on whatever the need might be. He brought up the maintenance and  
12 noted that trees can become diseased over time, but a lot of that can be avoided by being  
13 proactive upfront to make sure that those things don't happen, such as sudden oak death,  
14 which would lead to taking out more trees. He liked the phased-in approach to the process,  
15 which gives the public a lot more time to have a good understanding of what it is they are  
16 trying to accomplish and what the benefits are going to be for the public, as well as  
17 neighboring communities, with the people responsible for taking care of not only their  
18 private trees, but even the public trees that might be out on the sidewalk.

19 Chair Greenfield noted that their city that is named after a tree has a great love for their  
20 urban canopy. He agreed with Commissioner Freeman about looking at the ordinance as  
21 a living document. It may not be perfect from the outset but it will be something they can  
22 adapt and can return to the Commission to review over time to tweak as needed. However,  
23 getting the changes adopted as soon as possible is important for the trees.

24 Chair Greenfield said the updates are broad and the increase in transparency and clarity is  
25 very important, from adding purpose statements to cleaning up language, to making things  
26 more transparent with a designated arborist program. The process improvements also  
27 improve clarity and transparency in terms of application, notice and appeals and  
28 enforcement, making the overall process for tree removal and tree care more  
29 understandable. The increased tree protections in terms of increased number of species  
30 and diameter protection is very important and fits in directly with the S/CAP goals.  
31 Increasing the canopy and the number of trees is low-hanging fruit in hitting the goals.  
32 Chair Greenfield appreciated the effort and encouraged adoption quickly. He felt there  
33 were good comments in the letters from the public. He thought the idea regarding  
34 removing the redundancy in 808.10 regarding the indigenous grass is worth taking a look  
35 at. He said it is important for everyone to understand that the Ordinance is part of it. The  
36 *Tree and Landscape Technical Manual* is part of it as well, but some of the questions also  
37 can be addressed by the City's tree selection tool that is being worked on by Canopy in the  
38 city. This will help residents go through a process to help understand and get ideas on  
39 optimum recommended trees based on site conditions.

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1 Commissioner Kleinhaus supported the comment about nuisance, that native plants should  
2 really not be considered nuisance. The same letter also mentioned a few species to  
3 potentially add to the protected species list. She felt that at least Western Sycamore should  
4 be added, as they are under threat and disappearing from the landscape. Regarding the  
5 nuisance issues, she thought the language was probably copied from a previous version  
6 and seemed a little excessive. For example, requiring complete clearance between three  
7 and nine feet, she felt they could be a little more flexible than that. She suggested they  
8 look again at the nuisance tree list and what constitutes nuisance. She thought they need  
9 to reconsider some of the removals. She saw some of that at Cubberley, and she didn't  
10 understand why the limbs had to be removed to the extent that they were. They were very  
11 large oaks with large limbs removed. She thought re-evaluating what is a nuisance should  
12 probably be a little more liberal about what is allowed to stay on the tree.

13 Commissioner Kleinhaus noted, regarding in-lieu fees, in other cities they have a lot of  
14 money accumulated from in-lieu fees and nowhere to plant trees, so she discouraged in-  
15 lieu fees and potentially identifying where the trees are going before agreeing to accept  
16 them.

17 Chair Greenfield thanked the participants in the discussion and Mr. Gollinger for his work  
18 and noted that project is in good hands. Mr. Gollinger said it has been a group effort and  
19 he looks forward to bringing it across the finish line.

20 **COMMISSIONER/BOARDMEMBER QUESTIONS, COMMENTS,**  
21 **ANNOUNCEMENTS OR FUTURE AGENDA ITEMS**

22 Chair Greenfield asked if any of the Commissioners were ready to volunteer for judging  
23 at the May Fete Parade. Hearing none, he turned the discussion to the upcoming agendas.

24 Mr. Anderson noted for the May agenda that one item is on the advanced water purification  
25 system at the Water Quality Control Plant. Their staff is looking for feedback on their  
26 landscaping which will be on Embarcadero Road Corridor associated with the purification  
27 system. The second item is on the Baylands Comprehensive Conservation Plan.

28 Commissioner Cribbs commented that during the retreat Mr. Anderson talked about  
29 priorities for the department and one of them was resumption of more swimming lessons  
30 for more kids this summer and the plans for that. She asked if there might be a report on  
31 summer swim and maybe more group lessons, less private. Mr. Anderson said he could  
32 reach out to them and get some feedback to email to the Commission and add it to his  
33 department report in May.

34 Chair Greenfield stated that before the next meeting the work plan will have been approved  
35 by City Council. He asked if they needed to agendize any discussion of that. Mr. Anderson  
36 will look into that in more detail. He thought they could cover it under the Ad Hoc

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1 discussions, but he will find out what other Commissions are doing. Chair Greenfield said  
2 they also look forward to having a new member join the Commission at the May meeting.

3 Chair Greenfield invited further comments. Hearing none, he closed the meeting with  
4 thanks to staff for their support and time.

5 **ADJOURNMENT**

6 Meeting adjourned at 9:28 p.m.

