REGULAR MEETING AGENDA

Date: 9/18/2019
Time: 6:00 p.m.
City Hall – "Downtown" Conference Room
701 Laurel St., Menlo Park, CA 94025

EQC Commissioner Deb Martin will be participating by phone from:
350 Rocky Run Pkwy
Wilmington, DE 19803

A. Call To Order

B. Roll Call – Gaillard, Kabat, London, Martin, Vice Chain Payne, Chair Price, Turley

C. Public Comment

Under "Public Comment," the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission once under Public Comment for a limit of three minutes. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

D. Regular Business

D1. Recommend proposed changes to the heritage tree ordinance to the City Council (Staff Report 19-011-EQC)

D2. Review and discuss subcommittee's climate action plan situation analysis and request for input memorandum (Attachment)

D3. Discuss the Environmental Quality Commission's quarterly report to the City Council

D4. Approve the July 17, 2019 Environmental Quality Commission meetings minutes (Attachment)

E. Reports and Announcements

E1. Commission reports and announcements

E2. Staff update and announcements

E3. Future agenda items

F. Adjournment

At every Regular Meeting of the Commission, in addition to the Public Comment period where the public shall have the right to address the Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the Commission's consideration of the item.

At every Special Meeting of the Commission, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during consideration of the item.

For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

Persons with disabilities, who require auxiliary aids or services in attending or participating in Commission meetings, may call the City Clerk's Office at 650-330-6620.

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CITY OF MENLO PARK

STAFF REPORT

Environmental Quality Commission
Meeting Date: **9/18/2019**
Staff Report Number: **19-011-EQC**

Regular Business: **Recommend proposed changes to the Heritage tree ordinance to the City Council**

Recommendation

Staff recommends the Environmental Quality Commission (EQC) review and consider recommending to the City Council proposed changes to the heritage tree ordinance outlined in this report and in Attachment A.

Policy Issues

The heritage tree ordinance governs trees of a certain size growing on private property. The heritage tree ordinance update was included in the 2017, 2018, and 2019 City Council workplan. It is currently priority No.4 in the 2019 City Council work plan, and is expected to be completed this year. The EQCs Heritage Tree Subcommittee also recommended an update to the ordinance in 2012 (Attachment B.)

Background

The heritage tree ordinance (Attachment C) governs trees growing on private property with the primary goal of ensuring a significant and thriving population of large, healthy trees in Menlo Park. The ordinance protects heritage trees by regulating their removal and heavy pruning through a permit process administered by multiple departments. It also specifies penalties for violation of the ordinance and establishes an appeals process if there is disagreement on the permitting decision.

The heritage tree ordinance was adopted in 1979. Amendments to the ordinance have been made on five occasions with the last occurring in 2006. Over the last several years, concerns from the community arose with development-related appeals, unpermitted removals, and enforcement of tree replacements. The City Council, Planning Commission, and EQC have also expressed that there is room for improvement. As a result, the City Council included updating the heritage tree ordinance as part of their 2017, 2018, and 2019 work plans. This project is identified in the City Council's top five priorities for 2019, and is expected to be completed this year.

In August 2018, the City Council appointed a Heritage Tree Task Force (Task Force) to partner with staff throughout the review and update of the ordinance, and was tasked with providing recommendations to the City Council by summer 2019. The Task Force was able to finalize their recommendations to City Council at the end of June.

The 10 member Task Force is made up of various stakeholders that include property owners, developers, realtors, former EQC Commissioner Scott Marshall, City Councilmember Drew Combs (former Planning Commissioner), tree advocates, and past heritage tree permit applicants and appellants.

The Task Force worked collaboratively with the city staff team that included the city arborist, assistant city attorney, principal planner, and the sustainability manager. HortScience | Bartlett Consulting was hired to

collect/analyze data and provide a thorough analysis of possible options for updating the ordinance. Based on the diversity of the Task Force and sensitivity of regulating trees on private property, Peninsula Conflict Resolution Center was also hired to facilitate Task Force meetings.

Overall, it involved the ongoing time and resources of 17 individuals, 10 Task Force meetings between August 2018 and June 2019, and receiving public comments in writing or at the meetings. Some Task Force members engaged, informed, and received feedback from other community members to ensure that balance between community values around trees and property enjoyment were being reflected in the ordinance update.

Staff presented the Task Force recommendations identified in the analysis section of this report to the City Council on July 16. The City Council directed staff to incorporate the proposed recommendations into draft ordinance language for public review (Attachment A.) The City Council also directed staff to present the proposed recommendations to Planning Commission and EQC for review as their work and decisions could be impacted the changes. It also allows an opportunity for the community to provide feedback outside of the Task Force public meetings.

The EQC can recommend the proposed changes and/or provide additional feedback on the recommendations that may be considered in the final ordinance adoption tentatively scheduled on October 29.

Analysis

The heritage tree ordinance update was separated into two policy analysis phases:

- Phase I (August 2018 to February 2019): The Task Force worked collaboratively with the consultant and staff to identify high level policy options for improving areas identified in the project scope. The Task Force typically selected one to several ideas to explore for each area of the ordinance. This phase also evaluated the effectiveness of the current ordinance through analyzing permit data, and surveying past permit applicants and appellants.
- Phase II (December 2018 through April 2019): This phase explored the options identified in Phase I in more depth to determine benefits and impacts. This included evidence gathering for each option and evaluation of potential benefits, risks, impacts, implementation logistics, potential cost or cost savings to applicants, appellants, and the City. This phase also included interviews with communities to determine the effectiveness of best practices.

A key step in policy analysis included selecting evaluation criteria to introduce community values and philosophy to compare, critique, and judge the value of each policy option's anticipated result. This also helped center discussion on what is of highest importance over personal values or past experience. The Task Force selected and weighted the following criteria to determine which option would emerge as preferred from the policy analysis:

- Clarity (20 percent) - Increases certainty for permit applicants through clear parameters. This does not necessarily mean permit approval, but will provide clear boundaries, processes, timelines, etc. for both the community and permit applicant.
- Canopy (60 percent) – Maintains and/or increases canopy that is significant, thriving and sustainable.
- Effectiveness (20 percent) - Improved enforcement, improved implementation, less community conflicts, and sufficient staff capacity, expertise and budget to ensure effectiveness.

As a result of Phase II, 26 options were explored with 16 emerging as preferred options. A policy analysis

report was presented to the Task Force and discussed over three meetings (Attachment D.) The preferred options were refined by the Task Force and staff and resulted in 12 proposed recommendations in Table 1 for the heritage tree ordinance update.

A major finding as a result of the analysis report was that the appeals process was not the cause of highly contentious appeals or conflicts, but a result of the decision making criteria for removals being unclear. This was the leading cause of conflicts between staff, permit applicants, and the community. As a result, the decision making criteria was significantly changed to reflect industry standards and best practices in other communities while still balancing flexibility for special or extreme circumstances that are likely to be encountered in practice.

Each of the recommendations listed in Table 1 received a super majority (two-thirds) vote by the Task Force. The recommendations that are likely of most interest and related to EQC work or decisions include:

1. Changes to the decision making criteria for removing trees. Specifically, criterion No. 2 provides parameters for tree removals related to development. The intent is to provide greater clarity and transparency for the applicant and community by requesting schematic alternative designs and other information to be submitted by the permit applicant to make a determination on whether a tree needs to be removed for development purposes.
2. Heritage tree appeal process. Staff and the Task Force recommend the heritage tree removal appeal period occur before Planning Commission decisions are made on a project in case a redesign results from the appeal. Currently, the appeal period occurs after the Planning Commission has made a decision on a development project involving heritage tree removals. See details in Table 1.
3. Appeals body. A different appeal body was explored and recommended in the policy analysis report, but ultimately the City Council directed the EQC remain the appeal body at this time. The draft ordinance does allow flexibility for the City Council to change the body in the future if desired. The rationale was to maintain a peer community group for making decisions on appeals, ensure consistent decision making, and maintain efficiency by utilizing an existing commission. In addition, it was also expressed through the Task Force that making the removal decision making criteria clearer could result in less overall appeals and even fewer contentious ones.
4. Mitigation and replacement requirements if a heritage tree removal is granted. Heritage tree removals granted under decision making criterion No.2 (development related) can result in the removal of large healthy heritage trees. Staff and the Task Force recommend the amount of replacement trees be greater when related to development. The recommended mitigation is to replace the value of the heritage trees removed on the project site. Industry standard tree appraising methods would be used to determine the value of the tree(s.) If there is inadequate space to make all plantings, the difference would be paid into a city tree fund. The mitigation requirement also serves as an incentive to motivate developers or property owners to retain high value trees to reduce or avoid mitigation requirements. Non-development related removals would use a matrix system based on trunk diameter for determining the amount and/or size of the replacement tree(s.)

Table 1 provides a summary of the Task Force recommendations and City Council direction for the heritage tree ordinance update. These recommendations are framed as policy level decisions and in most cases do not represent actual ordinance language. The actual ordinance language and administrative guidelines (Attachment A) were drafted by the city attorney's office. The ordinance language will translate to a longstanding policy document, while the administrative guidelines will dictate day-to-day management practices, which can be readily updated. This approach will provide flexibility in adapting implementation procedures as needed without necessitating a full ordinance update.

Table 1: Summary of City Council direction to draft the heritage tree ordinance language		
Area of ordinance	**City Council direction**	**Location: ordinance or administrative guidelines**
Intent and purpose	Incorporate Task Force proposed language.	Ordinance (13.24.010: Intent and purpose)
Definition of a heritage tree	Change the of the definition order to (2, 3, 1) to emphasize protection of heritage and native trees. Change how multitrunk trees are measured due to implementation challenges. New language to state that multitrunk trees will be measured at the diameter below the main union of all multitrunk trees unless the union occurs below grade, in which case each stem is measured as a standalone tree.	Ordinance (13.24.020: Definitions) Ordinance (13.24.020: Definitions)
Decision making criterion for tree removal	1. Death. The heritage tree is dead. 2. Risk rating. The condition of the heritage tree poses a risk under the International Society of Arboriculture Best Management Practices: Tree Risk Assessment and the risk cannot be reasonably abated to a low risk rating with sound arboricultural treatments. 3. Tree health. The heritage tree is dying or has a severe disease, pest infestation, intolerance to adverse site conditions, or other condition and pruning or other reasonable treatments based on current arboricultural standards will not restore the heritage tree to reasonable health as defined in the administrative guidelines and/or the heritage tree is likely to die or fail within a year. 4. Species. The heritage tree is a member of a species that has been designated as invasive or low species desirability by the public works director. 5. Development. The heritage tree interferes with proposed development, repair, alteration or improvement of a site or habitable building (excluding amenities, such as walkways, patios, pools and fire pits) or is causing structural damage to a habitable building(s) and there is no financially feasible and reasonable design alternative that would permit preservation of the heritage tree while achieving the applicant's development objectives or economic enjoyment of the property. 6. Utility interference. The removal is requested by a utility, public transportation agency, or other governmental agency due to a health or safety risk resulting from the heritage tree's interference with existing or planned public infrastructure and there is no financially feasible and reasonable design alternative.	Ordinance (13.24.050: Permits) List of invasive or low species desirability: Administrative guidelines (VII. Heritage tree replacements)
Appeal filing standards	<u>Appeals based on proposed tree removal criteria No.1-4 (death, risk rating and tree health)</u> Tree removal criteria No.1-4 is related to risk and tree health, and appeals will be limited to the permit applicant only when the city arborist denies removal of a tree. The permit applicant may appeal staff's denial decision to the City Manager or their designee.	Ordinance (13.24.060: Appeals)

	Note: Added criterion No.3 (tree health) as it requires arboricultural expertise to appeal on grounds of tree health and canopy would be served better with a healthy replacement tree. Appeals based on proposed tree removal criteria No. 5 and No. 6 (development and utility interference) For healthy trees being removed as a result of development or utility needs, community members and permit applicants have the ability to appeal staff decisions to an appointed City Council commission (Environmental Quality Commission). For permit applicants, appeals can only be accepted based on findings and evidence required for removal criteria. For community members, appeals will be processed if the they can provide concepts/ideas that can be explored by the City that align with the removal criterion listed on application.	
Appeal decision making body	Maintain status quo (Environmental Quality Commission) with additional language to provide flexibility to change the appeal hearing body at a later time if desired.	Ordinance (13.24.060: Appeals)
Development related appeal process	Appeal process for projects which require Planning Commission approval that involve heritage tree(s) removal: • An appeal period will be initiated before Planning Commission approval. If an appeal is filed, it would be heard by the City Council appointed body (Environmental Quality Commission) • If an appeal is filed by a community member, conflict resolution is offered • If the City Council appointed body (Environmental Quality Commission) decides to allow the tree removal(s), the removal(s) would be conditional and subject to Planning Commission approving the project. Once the Planning Commission approves the project, both the Planning Commission and appointed appeal body (Environmental Quality Commission) decisions can be appealed to City Council • If the appointed appeal body (Environmental Quality Commission) decides to preserve the tree(s), the decision may be appealed to the City Council before being heard by the Planning Commission as the project may need to be redesigned before it is approved by the Planning Commission	Ordinance (13.24.060: Appeals)
Appeals and using conflict resolution	City will offer conflict resolution for community member appeals before/at the start of the formal appeal process. Adding mediation as part of an appeals process could help maintain, preserve, and build good community relations while resolving concerns and disagreements regarding heritage trees.	Administrative guidelines (VI. Appeals)
Mitigation and tree replacement requirements	For development related removals, the appraised tree value method will be used to determine tree replacements. The development applicant would be required to replace the value of the tree(s) on-site. For example, if a tree removed is valued at $5,000, the cost to replace the removed tree with new plantings must be at least $5,000. If the appraised value exceeds amount of tree replacements that can be made on-site, applicant shall pay difference in value to the heritage tree fund. This captures the value of a healthy tree	Ordinance (13.24.090: Tree replacements)

	being removed as a result of the development and also incentivizes building applicants to preserve trees that are of high value. Appraised tree value will be required for all heritage tree removals and protected trees for a development project. The City will identify an approved list of tree appraisers to reduce conflicts between city arborist and applicant's arborist. This process will be outlined in the administrative guidelines. For non-development related removals, a replacement matrix based on trunk diameter developed by city staff will set the required replacement plantings. On sites that are fully planted, the applicant would pay the cost of the replacement tree set by City Council into the city tree fund.	Replacement matrix: Administrative guidelines (VIII. Heritage tree replacements)
Establishment of a tree fund	Punitive or administrative penalties (violations) or other heritage tree related fees will be directed to an existing fund for the express purpose of planting more trees or assist with implementation of the Heritage Tree Ordinance.	Ordinance (13.24.070: Establishment of heritage tree fund)
Enforcement of replacement trees	Require two inspections of replacement tree plantings. One to verify tree has been planted, and a second at two years to ensure tree is thriving.	Administrative guidelines (VIII. Heritage tree replacements)
Violations	Charge violators the assessed value of the tree or, in cases where there is not enough of the tree left to appraise, the violator would be charged a flat fee fine which will be increased to $10,000. Punitive or administrative penalty fines can be assessed in addition to the assessed value or flat fine violations for the following: • Total tree removal • Pruning that impacts tree health • Not planting or maintaining replacement trees • Damage during construction • Repeated offenses resulting in escalating fine amounts Punitive or administrative penalties will be established by City Council through a resolution and outlined the administrative guidelines. Remove building moratorium penalty. To address Planning Commission and community concerns, provisions to issue stop work order or property lien for development-related violations have been added.	Administrative guidelines (IX. Enforcement and violations) Ordinance (13.24.100: Enforcement and violations)
Notification requirements	In alignment with language in the municipal code Public Hearings (16.84) and Notices for Single Family Residential Development (16.85) for notification, all heritage tree removals would be noticed to property owners within 300 feet of the exterior boundary of the property involved. This noticing would be required for permits filed under tree removal criteria No. 5 (development) and 6 (utility). Require to the extent permitted by law, open access and communitywide notice of all heritage tree removal applications, permits and appeals. This process will be outlined in the administrative guidelines.	Ordinance (13.24.060: Appeals) Administrative guidelines (X. Notice and reporting) Administrative guidelines (X. Notice and reporting)

Planning Commission feedback

In August, Task Force recommendations and City Council direction were presented to the Planning Commission. The Planning Commission largely agreed with the Task Force and City Council; however, it expressed concern over the removal of the building moratorium as an enforcement measure. This concern was addressed by including a stop work order provision that is more effective and regularly used to address development violations. The Planning Commission was also concerned with the estimated increase to annual implementation cost, but understood the importance and value of a fully funded program. They provided ideas on obtaining additional revenue for the City Council to explore and consider. Staff is analyzing these potential revenue sources to present to City Council.

City resource and budget needs

Based on the policy analysis report, it is estimated that an extra $185,000 to $200,000 is needed annually to implement the existing and new changes to the ordinance. This is largely due to the inspection of replacement trees requirement and enforcement needs. This would likely be recovered through increasing tree removal permitting costs and using a portion of the proposed tree replacement funds to implement. The general fund would also be evaluated for funding the implementation. Under the direction of City Council, staff is currently exploring cost saving measures such as an app challenge to lessen staff time needs (inspection and enforcement).

Impacts to community and permit applicants

There will likely also be cost increases experienced by permit applicants through permit application fees, mitigation requirements, and more technical arborist reports that require tree valuations. However, these costs were found acceptable and reasonable by the Task Force to maintain or increase Menlo Park's urban forest as a majority of the community's canopy is on private property.

Community engagement

The community engagement to date has been extensive through the establishment of the Task Force that is a Brown Act Body. All meetings of the Task Force were publically noticed. In addition, some of the Task Force members engaged, informed, and received feedback from their neighbors or community members to help inform their decisions.

Between August 2018 and June 2019, the Task Force and Staff participated in 10 public meetings that evaluated best practices (and effectiveness) of other communities, current practice in Menlo Park, and used policy analysis to determine preferred options based on evaluation criteria that increased clarity, maintained canopy, and increased the effectiveness of the ordinance.

Public comments were received in writing or at the meetings. This helped inform the Task Force and staff about issues experienced in the community that could be addressed in the ordinance update. In addition, the consulting and staff team surveyed past permit applicants and appellants to gather data and ideas on improvement. These results were presented to the Task Force.

Further community engagement involved presenting the draft ordinance to the Planning Commission, EQC, and Task Force.

Recommended Action

The recommended action for EQC is to:

- Recommend the above proposed recommendations by staff and the Task Force to the City Council. Based on the policy analysis and Task Force findings, the proposed recommendations will increase clarity of the ordinance, increase/maintain the urban forest canopy, and increase the effectiveness of the ordinance

Alternative actions to consider are:

- Provide additional feedback to the City Council that may be considered before final changes are adopted in October. This may require additional analysis and budget to examine the impacts to City operations and permit applicants for more informed decision making

The changes to the heritage tree ordinance are tentatively scheduled to be adopted on October 29. An implementation and education plan would then be developed prior to the effective date of the ordinance on July 1, 2020.

Impact on City Resources

If the above policy changes are made to the ordinance, it will increase costs for implementation. It is estimated that the costs will increase the heritage tree program budget between $185,000 and $200,000 annually and will require additional staff or a mix of staff and consulting services. This would likely be recovered through increasing tree removal permitting costs and using a portion of the proposed tree replacement funds to implement. The general fund would also be evaluated for funding the implementation.

Environmental Review

Review of the proposed changes with regard to the California Environmental Quality Act (CEQA) will be conducted prior to adoption of the final ordinance. As the purpose of the Task Force was to continue the level of tree canopy protection existing in the current ordinance while providing more clarity and better enforcement, staff anticipates the ordinance will be exempt from further CEQA review.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Draft heritage tree ordinance and Administrative Guidelines
B. EQC Heritage Tree Subcommittee 2012 recommendations (Note: recommendations one through four were recommended to City Council)
C. Current heritage tree ordinance https://www.codepublishing.com/CA/MenloPark/?MenloPark13/MenloPark1324.html&?f
D. Policy options analysis report from June 26 Task Force meeting (See Attachment A) https://menlopark.org/DocumentCenter/View/22006/C2-20190626-preferred-options-HTTF

Report prepared by:
Rebecca L. Lucky, Sustainability Manager

ORDINANCE NUMBER _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING CHAPTER 13.24 [HERITAGE TREES] OF TITLE 13 [STREETS, SIDEWALKS AND UTILITIES] AND REPEALING CHAPTER 16.65 [SOLAR ACCESS] OF TITLE 16 [ZONING]

The City Council of the City of Menlo Park does hereby ordain as follows:

SECTION 1. FINDINGS AND DETERMINATIONS.

A. In August 2018, the City Council appointed a Heritage Tree Task Force to partner with staff to review and provide recommendations to update the Heritage Tree ordinance;

B. The Task Force finalized their recommendations to the City Council at the end of June 2019.

C. On August 12, 2019, the Planning Commission reviewed the proposed updates to the Heritage Tree Ordinance and recommended approval; and

D. On XX the City Council reviewed the updated Heritage Tree ordinance.

SECTION 2. AMENDMENT OF CODE. Chapter 13.24 [Heritage Trees] of Title 13 [Streets, Sidewalks and Utilities] is hereby repealed and replaced with the following:

CHAPTER 13.24
HERITAGE TREES

Sections:

13.24.010 Intent and purpose.

This chapter is adopted with the intent and purpose of promoting the preservation and development of a healthy, diverse tree canopy in Menlo Park, which is highly valued by the community and is vital to the character and health of the city.

Heritage trees are valued for their many contributions to the environment, public health and quality of life of the Menlo Park community. Examples of those benefits include:

- provide shade
- enhance resilience to climate change
- improve air quality
- provide shelter from wind
- prevent erosion and landslides
- protect against flood hazards
- add to the city's scenic beauty and character
- recognize historical significance to our city
- create natural gathering places
- reduce noise pollution
- enhance privacy
- enhance neighborhood property values
- provide habitat for wildlife

This chapter establishes regulations for the removal and replacement of heritage trees, promotion of additional heritage tree planting, and public education about the planting, maintenance and preservation of healthy heritage trees following industry best management practices, consistent with the purposes of this chapter, the enjoyment of public and private property, property rights and in alignment with the General Plan.

13.24.020 Definitions.

For purposes of this Chapter, the terms below shall have the following meanings:

1. “Applicant” is the person seeking a Permit to remove or perform major pruning on a heritage tree under this Chapter.

2. “Major pruning” is the excessive removal or roots or foliage that could result in the decline of the health or structural instability of a heritage tree. Major pruning includes the removal of more than one-fourth of the branches or roots within a twelve (12) month period without obtaining a Permit under this Chapter.

3. “Public Works Director” shall mean the Public Works Director or his/her/their designee, including but not limited to the City Arborist.

4. “Heritage tree” shall mean:

(A) All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade).

(B) An oak tree (Quercus) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade.

(C) A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council.

For purposes of Sections 13.24.020 (4) (A) and (B), trees with more than one trunk shall be measured at the diameter below the main union of all multi-trunk trees unless the union occurs below grade, in which case each stem is measured as a standalone tree. Multi-trunk trees under twelve (12) feet in height shall not be considered a heritage tree.

13. 24.030 Maintenance and preservation of heritage trees. [Similar to old code]

1. Any person who owns, controls, or has custody or possession of any real property within the city shall use reasonable efforts to maintain and preserve all heritage trees located thereon in a state of good health pursuant to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter.

2. Any person who conducts any grading, excavation, demolition or construction activity on property shall do so in such a manner as to not threaten the health or viability or cause the removal of any heritage tree.

3. Any work performed within an area ten (10) times the diameter of a heritage tree (i.e., the tree protection zone) shall require submittal of a tree protection plan for review and approval by the director of community development or his or her designee prior to issuance of any permit for grading or construction. The tree protection plan shall be prepared by a City-approved certified arborist and shall address issues related to protective fencing and protective techniques to minimize impacts associated with grading, excavation, demolition and construction. The director of community

development or his or her designee may impose conditions on any city permit to assure compliance with this section

13.24.040 Removal and major pruning of heritage trees prohibited. [similar to old section]

It is unlawful for any person to remove, or cause to be removed, any heritage tree from any parcel of property in the city, or perform major pruning on a heritage tree, without obtaining a permit; provided, that in case of emergency, when a heritage tree is imminently hazardous or dangerous to life or property, it may be removed by order of the police chief, fire chief, the public works director or their respective designees. Any person who vandalizes, grievously mutilates, destroys or unbalances a heritage tree without a permit or beyond the scope of an approved permit shall be in violation of this chapter.

13.24.050 Permits.

Any person desiring to remove one or more heritage trees or perform major pruning as described in Section 13.24.040 shall apply for a permit pursuant to procedures established by the public works director and shall pay a fee established by the city council. It is the joint responsibility of the property owner and party removing the heritage tree or trees, or portions thereof, to obtain the permit. The director of public works or his or her designee may only issue a permit for the removal or major pruning of a heritage tree if he or she determines there is good cause for such action. In determining whether there is good cause, the public works director shall give consideration to the following:

1. Death. The heritage tree is dead.

2. Risk Rating. The condition of the heritage tree poses a risk under the International Society of Arboriculture Best Management Practices: Tree Risk Assessment and the risk cannot be reasonably abated to a low risk rating with sound arboricultural treatments.

3. Tree Health. The heritage tree is dying or has a severe disease, pest infestation, intolerance to adverse site conditions, or other condition and pruning or other reasonable treatments based on current arboricultural standards will not restore the heritage tree to reasonable health as defined in the administrative guidelines and/or the heritage tree is likely to die or fail within a year.

4. Species. The heritage tree is a member of a species that has been designated as invasive or low species desirability by the public works director.

5. Development. The heritage tree interferes with proposed development, repair, alteration or improvement of a site or habitable building (excluding amenities, such as walkways, patios, pools and fire pits) or is causing structural damage to a habitable building(s) and there is no financially feasible and reasonable design alternative that would permit preservation of the heritage tree while achieving the applicant's development objectives or economic enjoyment of the property.

6. Utility Interference. The removal is requested by a utility, public transportation agency, or other governmental agency due to a health or safety risk resulting from the heritage tree's interference with existing or planned public infrastructure and there is no financially feasible and reasonable design alternative.

13.24.060 Appeals.

1. Authority to appeal. Except as set forth in section 13.24.060 (2) below, any permit applicant or Menlo Park resident may appeal the decision of the director of public works to the Environmental Quality Commission. Any permit applicant or Menlo Park resident may appeal the decision of the Environmental Quality Commission to the City Council. Appeals must be filed on a city approved form and are subject to appeal fees. A permit shall not be issued until all appeals are completed and/or the time for filing an appeal has expired.

2. Limited appeal right. Permit decisions based on criteria numbers 1, 2, 3 or 4 in section 13.24.050 may only be appealed by the permit applicant. Such appeal must be filed within fifteen (15) days of the public works director's written decision and must be in writing. The appeal shall be heard by the City Manager or designee whose decision shall be final.

3. Appeal timing and review period. Except for decisions subject to limited appeal in section 13.24.060 (2) above, notice of the City Manager's decision shall be mailed to all property owners within 300 feet of the exterior boundary of the property where the heritage tree is located. In addition, the applicant shall post a notice on a form supplied by the city on the property in a location visible to the public.

A. Filing Appeal. Within (15) days of posting, any person may file an appeal with the city clerk on a form to be supplied by the city.

B. Review Period. If the Permit is timely appealed, the appellant and the applicant shall have an additional (15) days to review the project file and to submit written evidence to the city clerk relating to the appeal. In the case of a non-applicant appeal, the appellant may submit one to five reasonable and feasible alternatives for the permit applicant to explore. If either party would like the appeal body to review third-party expert evidence, such party shall submit the evidence to the city within the review period. Upon request by either party, the City may extend the review period to allow for expert submissions. No additional removal alternatives/concepts or third party expert testimony will be accepted for review by the Environmental Quality Commission or City Council after the end of the review period.

C. Decision by Environmental Quality Commission. The Environmental Quality Commission shall consider the appeal. The Environmental Quality Commission may only consider removal alternatives/concepts and third party expert evidence submitted to the city during the review period. Within fifteen (15) days following the Environmental Quality Commission's decision, the applicant or any other party to the appeal may appeal the Environmental Quality Commission's decision to the City Council.

D. Development related tree removals. When a removal permit is sought in conjunction with a project requiring Planning Commission review, the appeal to the Environmental Quality Commission should be completed before the Planning Commission takes final action on the development project.

i. If the Environmental Quality Commission approves the heritage tree removal, such approval shall be conditioned upon final approval of the project by the Planning Commission or City Council, as applicable. Following the Environmental Quality Commission's approval of the development related heritage tree removal, any appeal to the City Council is suspended until the Planning Commission acts. Once the Planning Commission makes a final decision on the overall development project that includes the heritage tree removal, any party to the Environmental Quality Commission appeal may appeal the heritage tree removal decision to the City Council. Such appeal shall be filed with the city clerk within fifteen (15) days of the Planning Commission's decision.

ii. If the Environmental Quality Commission denies the removal permit, the permit applicant may appeal the decision to the City Council before the Planning Commission reviews the related development project. If the applicant does not appeal the permit decision within fifteen (15) days of the Environmental Quality Commission's decision, no appeal may be taken on the removal permit, and the development project shall be redesigned to include plans for retaining the heritage tree.

E. Decision by City Council. The City Council shall consider the appeal. The City Council may only consider removal alternatives/concepts and third party expert evidence submitted to the city during the review period.

5. Alternate appeal body. From time to time, the City Council may by resolution appoint a separate appellate body to hear Permit appeals in lieu of the Environmental Quality Commission.

6. Re-submittal. If an applicant fails to exhaust the appeals set forth in this Chapter or the City Council denies the Permit, the Applicant may not apply for another Permit applicable to that heritage tree for a period of six months from the denial decision.

13.24.070 Establishment of heritage tree fund.

There is hereby established a heritage tree fund. This fund may be used to plant more trees, to assist with implementation of the Heritage Tree Ordinance and any other purpose established by the administrative guidelines.

13.24.080 Administrative guidelines.

The public works director or designee shall have the authority to adopt administrative guidelines to implement this chapter.

13.24.090 Tree replacements.

1. If a permit for removal of a heritage tree is granted under Section 13.24.050, the applicant shall replace the heritage tree or pay a heritage tree in lieu fee in accordance with this section.

2. For development related removals, the applicant shall provide replacement heritage trees on site in an amount equivalent to the appraised value of the removed heritage tree. The City Arborist shall approve the location, species and number of replacement heritage trees. If the appraised value of the removed heritage tree, exceeds the value of the replacement heritage trees that can be accommodated on the property, the applicant shall pay the difference in value to the heritage tree fund. For example, if a removed heritage tree is valued at $5,000 and the applicant plants two replacement heritage trees on site valuing a total of $4,000, the applicant shall pay the City an additional $1,000 heritage tree in lieu fee for deposit into the heritage tree fund.

3. For non-development related removals, the applicant shall provide replacement heritage trees on site in an amount based on a replacement matrix based on trunk diameter as set forth in the administrative guidelines. If the property cannot accommodate all replacement trees on site, the applicant may pay an in lieu fee equivalent to the value of the replacement trees not planted on site. The in lieu fee shall be deposited into the heritage tree fund.

13.24.100 Enforcement and Violations

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the city for violation of this chapter:

1. If a violation occurs during development, the city may issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the public works director and city attorney, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security as determined by the city attorney.

2. Any person violating this chapter shall be subject to a civil fine or penalty in the amount established by the City Council by resolution. Civil fines or penalties collected under this chapter shall be deposited into the heritage tree fund.

3. The Code Enforcement Officer, Public Works Director and Building Official or designee are authorized to issue stop work orders, notices of violation, administrative penalties and citations under this chapter and/or pursuant to the administrative guidelines adopted by the Public Works Director.

4. Any citation or penalty received under this chapter may be appealed to the City Manager or designee whose determination shall be final. Such appeal must be filed within fifteen (15) days of receipt of the citation or penalty.

5. Whenever the amount of any administrative fine or penalty or administrative cost incurred by the city in connection with a violation of this chapter has not been satisfied in full within ninety days and/or has not been successfully challenged by a timely writ of mandate, this obligation may constitute a lien or, in the alternative, a special assessment against the real property on which the violation occurred.

6. The City Attorney may bring a civil action against the violator to abate, enjoin, or otherwise compel the cessation of violation of any provision in this chapter. In a civil action brought pursuant to this chapter in which the City prevails, the court may award to the City all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

7. The remedies provided in this section may be enforced against both the contractor or other person performing work in violation of this chapter as well as the owner of the real property on which the heritage tree is located.

8. All remedies provided in this section shall be cumulative and are not exclusive.

SECTION 3. REPEAL OF CODE. Chapter 16.65 [Solar Access] of Title 16 [Zoning] is hereby repealed in its entirety.

SECTION 4. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") under Sections 15378 and 15061(b)(3) of the of the CEQA Guidelines. The ordinance update is intended to continue the level of tree canopy protection existing in the current ordinance while providing more clarity and better enforcement, and has no potential for resulting in physical change to the environment either directly or indirectly.

SECTION 6. EFFECTIVE DATE AND PUBLISHING. This ordinance shall take effect 30 days after adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the __ day of _____, 2019.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the __ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED:

_____

Mayor

ATTEST:

_____

Judi Herren, City Clerk

Administrative Guidelines Applicable to Heritage Trees

Updated August 29, 2019

[Note: These Guidelines are in draft form. It is anticipated they will be finalized and approved in June 2020.]

These administrative guidelines are promulgated by the City Arborist pursuant to the authority set forth in Menlo Park Municipal Code Section 13.24.080.

I. Intent and purpose.

II. Heritage tree defined.

A. [Insert graphics or images to show how multi-stem trunk trees are measured.]

B. As of August 19, 2019, the Council has not designated any trees under Menlo Park Municipal Code Section 13.24.020 (4)(C).

C. The City Arborist has determined the following species of oak trees are native to California:

- Coast live oak (Quercus agrifolia)
- Scrub oak (Quercus berberidifolia)
- Canyon live oak (Quercus chrysolepis)
- Blue oak (Quercus douglasii)
- Leather oak (Quercus dumosa)
- Englemann oak (Quercus englmannii)
- Oregon white oak (Quercus garryanna)
- Black oak (Quercus kellogii)
- Valley oak (Quercus lobata)
- Shreve oak (Quercus parvula var. shrevei)
- Oracle oak (Quercus x morehus)
- Island oak (Quercus tomentella)
- Interior live oak (Quercus wislizenii)

III. Maintenance and preservation of heritage trees.

A. For development projects, the appraised value of all heritage trees on site shall be submitted.

IV. Removal and major pruning of heritage trees prohibited.

V. Permits.

A. The decision making criteria described below is closely tied to industry standards and requires the provision of evidence to demonstrate a heritage tree is: dead, dying or poses a significant risk; significantly restricts reasonable economic enjoyment of the property; or interferes with utilities.

B. Prior to the issuance of a heritage tree removal permit, the City Arborist shall review the request and make a decision. The City Arborist may request relevant documentation from the applicant to determine whether removal is justified. The determination in granting or denying a permit shall in most instances be based on the articulated criteria in Municipal Code Section 13.24.050.

C. Decision Making Criteria

1. Death (Criterion 1). The City Arborist may request information to determine the tree is in fact dead. For example, photos of deciduous tree during fall or winter will not suffice.

2. Risk Rating (Criterion 2) and Tree Health (Criterion 3) Considerations.

- Tree risk assessment is a systematic process used to identify, analyze and evaluate tree risk. Risk is assessed by categorizing or quantifying both the likelihood (probability) of occurrence and the severity of consequences.
- Trees with moderate, high or extreme risk have been evaluated by a Qualified Tree Risk assessor and the assessed risk compared against given risk criteria to determine the significance of the risk.
- Tree health can be defined by a percentage.
    - Trees in excellent health and condition have a health rating of 100-81% with excellent from, dense healthy foliage, and free from pests and diseases.
    - Trees in good condition have a health rating of 80-61% with good form, good full crowns, and are free from pests and diseases.
    - Fair condition trees have a condition rating of 60-41% with good form or good health, but likely not both. This tree may have a structural defect, or a pest or a disease that is affecting the overall condition.
    - A tree in poor health has a condition rating of 40-21% with failing health or a pest or a disease that is affecting the overall condition.
    - A tree in very poor condition has a condition rating of 20% to dead with little live foliage, a structural defect that is affecting tree health or a pest or disease that has caused the tree's health to decline.

- The following documentation may be used to support criteria 2 and 3:

- Evidence that the tree risk rating cannot be reduced to low (through pruning or other means), as reported by a Qualified Tree Risk Assessor.

3. For Criteria 3 (Tree Health), intolerance to adverse site conditions can include factors such as soil or water salinity, exposure to sun or wind, or increasingly high temperatures.

4. Species (Criterion 4). The following trees have been designated by the City Arborist to be invasive/low desirability species:

- Tree of heaven
- Mexican fan palm
- Blackwood acacia
- Glossy privet
- Myoporum
- Mexican fan palm

In addition, any trees appearing on the Cal-IPC Inventory list (https://www.cal-ipc.org/plants/inventory/) as an invasive species shall constitute an invasive species.

5. Development (Criterion 5).

- The following documentation may be used to support criterion 5:
  - Schematic diagrams that demonstrate the feasibility/livability of alternative design(s) including utilizing zoning ordinance variances to preserve the tree;
  - Documentation on the cost of alternative design(s) and total project value in relation to the appraised value of tree(s) as outlined in City administrative rules for appraising trees and based on the most recent addition to the Guide for Plant Appraisal.
- If the cost of alternative design is more than 40% of the appraised value of the tree, the cost will be presumed to be financially unfeasible.
- If the cost of alternative design is less than 10% of the appraised value of the tree, the cost will be presumed to be financially feasible.
- If the cost of alternative design is between 10 and 40%, the City will consider a range of factors, including the value of the improvements, the value of the tree, the location of the tree, the viability of replacement mitigation and other site conditions.

D. The City Arborist may expedite dead or invasive tree permit processes and shall have authority to reasonably waive permit application requirements and fees.

E. Permit applications should be accompanied by a report prepared by an ISA certified arborist approved by the City.

VI. Appeals.

A. The purpose of review period is to allow appeals to be processed in an appropriate, meaningful, and efficient manner to respect both permit applicant time and other city priorities. An appeal can only be based upon the criteria used in the application.

B. Conflict Resolution. City can offer conflict resolution for community member appeals before/at the start of the formal appeal process. Adding mediation as part of an appeals process could help maintain, preserve, and build good community relations while resolving concerns and disagreements regarding heritage trees. In many circumstances, conflict resolution mediated by a third party will help to educate or provide a different perspective to potential appellants that might affect the appellant's decision about filing an appeal.

To implement this option, the City shall engage and pay for a mediator for the applicant and appellant. Note that participating in non-binding mediation does not preclude the appellant from subsequently filing an appeal.

VII. Establishment of heritage tree fund.

VIII. Heritage tree replacements

A. Appraised tree value will be required for all heritage tree removals (and street trees) for a development project. The City will establish an approved list of tree appraisers to reduce conflicts between the city arborist and applicant's arborist.

B. The appraisal shall use the most recent edition of the Guide to Plant Appraisal to determine the value of the tree being removed and the replacement trees. An alternate industry tree appraising standard may be used upon approval by the City Arborist.

C. For enforcement of replacement trees two inspections are required: one to verify tree has been planted, and a second at two years to ensure tree is thriving.

D. Applicant will add planted replacement trees to a web-based platform, which will be available to the community.

E. [Insert tree replacement matrix based on trunk diameter]

IX. Enforcement and violations

A. [Insert civil fine or penalty approved by City Council]

B. [Insert administrative fines or penalty approved by City Council]

X. Notice and reporting

A. All heritage tree removals would be noticed to property owners within 300 feet of the exterior boundary of the property involved. This noticing is required for permits filed under tree removal criteria No. 5 (development) and 6 (utility).

B. To the extent permitted by law, open access and community-wide notice of all heritage tree removal applications, permits, and appeals.

ATTACHMENT B

September 5, 2012

To: **Environmental Quality Commissioners**

From: **Heritage Tree Subcommittee**

Subject: **Discuss and Approve Recommendations to City Council on Changes to the Heritage Tree Ordinance and Tree Replacement Policy.**

Potential Environmental Quality Commission (EQC) Action
Discuss and approve recommendations to City Council on changes to the Heritage Tree Ordinance and tree replacement policy.

Background
Heritage trees represent a valuable city resource. These large trees protect and preserve the scenic beauty and natural environment of the city, prevent erosion of topsoil and sedimentation into waterways, encourage quality development, provide shade and wildlife habitat, counteract pollutants in the air, and decrease wind velocities and noise. Menlo Park has a Heritage Tree Ordinance in place with the primary goal of ensuring a significant population of large, healthy trees over the long term in the city.

The Environmental Quality Commission's work plan has identified the preservation of heritage trees and the management and healthy renewal of the City's urban canopy as a priority. The Environmental Quality Commission receives quarterly arborist reports from the City Arborist, and hears appeals from city residents on heritage tree removal permits as part of its regular duties. Through these interactions with City staff and residents, the Environmental Quality Commissioners felt that there were likely changes that could be made to the Heritage Tree Ordinance and city policies regarding tree removal and replacement that would improve the broader goal of maintaining a healthy urban canopy in Menlo Park. A Heritage Tree Subcommittee composed of Commissioners Marshall, Scott, and Smolke were tasked with studying the issues and coming back to the Environmental Quality Commission with a set of recommendations. Based on several discussions with the City Arborist and City Staff, the Heritage Tree Subcommittee is providing a set of proposed ordinance and procedural changes for the Environmental Quality Commission to consider.

Potential Recommended Changes to the Heritage Tree Ordinance and Tree Replacement Policy
The Heritage Tree Subcommittee has discussed issues in six general areas related to the Heritage Tree Ordinance and city policies regarding tree replacement.

1. <u>Include the Environmental Quality Commission as Part of the Planning Commission's Preliminary Building Approval Process</u>

The subcommittee is examining changes that can be made to the development approval process that include Heritage Tree removals.

City Staff is currently working on documenting the existing development approval process that involves Heritage Tree removals. This document will be shared with the Heritage Tree Subcommittee once complete, and will be a useful tool for the Subcommittee when evaluating possible improvements. One consideration that has been discussed is providing the EQC with an opportunity to review development plans that involve the removal of Heritage Trees under specified criteria or circumstances that would trigger such a review process. This would mean that the EQC does not need to review all development permits involving a Heritage Tree removal.

Other recommendations that are being discussed include charging a mitigation fee for development projects where healthy heritage trees are removed within the building area and installing street trees were voids exist.

Status: No action needed as the subcommittee is still working through exact recommendations with City Staff.

2. Better Enforcement of Tree Replacement After Heritage Tree Removal is Approved

   The subcommittee is proposing a number of procedural changes and changes to the Heritage Tree Ordinance that will make tree replacement an enforced requirement of the ordinance. The proposed changes are as follows:

   a. Modify the Heritage Tree Ordinance to include tree replacement (minimum 15 gallon tree) as a requirement. If there is not an appropriate spot on the property for planting a replacement tree (based on approval by the City Arborist), a fee will be charged that will go towards planting two trees on city property ($800).

   b. At the time of permit approval, the resident may select to not plant a replacement tree on their property and instead pay a fee that will go towards planting two trees on city property ($800).

   c. Increase the time for tree replacement to allow for a thoughtful, unhurried, educated tree planting process. For approved construction projects, tree planting should be required as part of the final inspection.

   d. Modify city procedure so that after one month a reminder notification is sent out and after three months another notice is sent out with the contact number of a city staff member who will inspect the newly planted tree. If no tree has been planted at the time of inspection, then a fine that is more than the cost of planting two replacement trees (>$1,200) will be levied.

e. Include an information sheet on proper planting techniques with the tree permit and/or post such information on the city's website.

f. Send a notice out to neighbors when a permit has been approved about the heritage tree removal and replacement policy, encouraging them to contact city staff with concerns or questions.

Status: Discuss and approve recommendations to the City Council on changes to the Heritage Tree Ordinance.

3. Determination of the Value of a Heritage Tree

The subcommittee is proposing to modify the method by which the value of a heritage tree is determined to one that is based on the circumference of the tree. A method that multiplies the tree's circumference by a standard factor (i.e., $50/circumference inch) will be simpler to implement and more intuitive to the city residents. This new tree valuation method should be used to determine violation fines and be specifically indicated on the Heritage Tree Ordinance. In addition, if the tree has already been removed prior to city inspection, a violation fine will be charged based on the City Arborist's estimation of the tree's circumference or $10,000, whichever is greater.

Status: Discuss and approve recommendations to the City Council on changes to the Heritage Tree Ordinance.

4. Procedures to Allow for Removal of Undesirable Trees

The subcommittee is proposing a number of procedural changes and changes to the Heritage Tree Ordinance that will encourage the removal and replacement of undesirable trees. The proposed changes are as follows:

a. Modify the procedure for removal of an undesirable tree such that an inspection by the City Arborist and a replacement tree are still required, but the permit fee (if approved by the City Arborist) is waived.

b. City Arborist to update and provide an approved list of undesirable trees for posting with the Heritage Tree Ordinance.

Status: Discuss and approve recommendations to the City Council on changes to the Heritage Tree Ordinance.

5. Replacement of Existing City Trees in the Urban Canopy

The subcommittee is proposing a number of procedural changes to the city's tree replacement policies that will encourage resident acceptance and adoption of new city trees. The proposed changes are as follows:

a. Notify residents with an informational mailer that describes the tree replacement process; in particular, describing that the city trees in the area are reaching the end of their life cycle and that the city will plant new trees of mixed species with similar aesthetic qualities as the replaced trees, but without some of the negative attributes.

b. Reach out to residents in targeted areas by knocking on doors and asking if the residents would like a tree planted in front of their house on the public right-of-way.

Status: No action needed. City Arborist will update EQC on progress as part of the October quarterly report.

6. Selection of Climate-Appropriate Replacement Trees

The subcommittee is proposing procedural changes to the city's tree replacement policies that will encourage that replacement trees be climate appropriate and/or drought tolerant. The City Arborist will update the tree replacement list and this will be made available with tree removal permits and the city's website.

Status: No action needed. City Arborist will update list and present draft as part of the October quarterly report.

Policy Issues

Some of the proposed actions would represent changes to the City's Heritage Tree Ordinance. Some of the proposed actions would represent changes to city policies and procedures around city tree replacement.

MEMORANDUM

Date: 9/18/2019
To: Environmental Quality Commission
From: Climate Action Plan subcommittee
Re: Climate action plan situation analysis and request for input

The Environmental Quality Commission (EQC)'s climate action plan (CAP) subcommittee has been tasked with overseeing an update to Menlo Park's CAP, first drafted in 2009. The subcommittee has met twice, since its formation in July, and has conducted extensive research, the results of which are shared below with the EQC and city staff for input. Topics covered in this memo include:

- A situational analysis to assist stakeholders in assessing relevant context and resources for Menlo Park's CAP (page 1)
- A list of topics, related to CAP goals and process, for discussion at the EQC's upcoming meeting (page 10)

Climate action plan situation analysis (CAPSA)

The CAPSA is a snapshot of the situation of evolving tools, resources, trends, momentum, opportunities, etc. available to Menlo Park and its community members for tackling climate change and showing leadership on climate preservation.

The CAPSA is intended to lay the groundwork for creation of an effective CAP for Menlo Park.

The scope of Menlo Park's CAP is to address the greenhouse gas (GHG) emissions associated with fossil fuels used by Menlo Park buildings and community members: residents, local employees, and businesses.

In Menlo Park fossil fuels are used primarily in:

- Buildings (for space heat, water heating, cooking, clothes drying etc.) and
- Ground transportation (cars, trucks, trains, motorcycles etc.)

A shrinking amount is also still used in electricity generation to supplement the community's 90 percent carbon-free electricity supply from Peninsula Clean Energy (PCE) and also to power an aging local generator on a research campus within the city limits.

Our rapidly decarbonizing electric supply

Menlo Park supported the County's formation of PCE, a Community Choice Energy (CCE) provider, for the purpose of providing an affordable clean electricity supply portfolio across the existing PG&E transmission and distribution systems. PCE's basic offering is now 90 percent fossil free as measured on an annual basis. It is made up of remotely located qualified renewable resources, such as wind and solar, secured through power purchase agreements and from existing large hydroelectric plants.

Electrification

At the heart of it, the easiest way to decarbonize a home, business or community is to use the clean electric supply we now have as a stepping stone and to apply it to meeting transport needs (electric vehicles) and especially building needs (heating, water heating, cooking, and clothes drying). So an effective CAP becomes an effective electrification roadmap.

The liquid fuels sector

Setting aside the growing percentage of electric passenger vehicles being purchased by residents, Menlo Park community members still drive many vehicles powered by gasoline and diesel fuel with carbon dioxide emissions of about 28 pounds per gallon (about 20 pounds from engine combustion products and about eight pounds emitted upstream in the drilling, crude transport, refining, and trucking it to gas stations).

Gaseous fuels sector

Setting aside a few "early adopter" buildings that use electric heat pumps, most Menlo Park buildings generate space heat and water heat from "natural gas". When gaseous fuels were first supplied in Menlo Park in the late 1880's through about 1930, they came from cracking petroleum by cooking it in a sealed tank and piping the off-gas products (called manufactured gas) to buildings for lighting heating and cooking. In 1930 PG&E provided natural gas as a substitute for manufactured gas. The natural gas was provided by high pressure pipelines buried in the towns along the Peninsula. Natural gas is the name for the methane that originally was released as a naturally occurring artesian eruption of underground methane often found in the oil drilling process. Most fossil methane gas produced since 2015 is no longer naturally rushing from bore holes. The modern method is to use hydraulic fracturing (fracking) of the shale formations deep underground with results not readily apparent at first. The fossil methane is liberated by the fracking process and its chemicals. The name frack gas is more descriptive of the fossil methane harvested by the fracking process.

Evolving technologies

The old rules of thumb are changing dramatically. There have been many technological advances in the last 50 years that offer both economic and environmental benefits over fossil fuels.

Solar Photovoltaics (PVs) have improved dramatically in performance and economics now providing onsite electricity at about ⅓ the cost of grid power.

Light Emitting Diodes (LED) lighting, related to solar PVs in that they both use semiconductor technology, has also seen dramatic improvements in its performance, controllability and economics, providing lighting at one tenth the cost of traditional incandescent lighting. The electricity that has been "freed up" through increased energy efficiency efforts is valuable in enabling further, deeper electrification of the community's appliances that have previously used fossil fuels.

Heat pumps

Heat pumps were originally developed for moving heat out of “ice boxes” at freezing temperatures and then rejecting it into kitchens above 70 degrees. They have evolved into building heaters and coolers that can both air condition a building in the summer and heat it in the winter, automatically, based on the flow direction of the refrigerant through a reversible valve. Affordable air source heat pumps are now quiet, powerful, versatile, and operate easily in our climate and even in weather much more extreme than ours. They cost little more than an air conditioner and do the job of the air conditioner and a furnace.

Heat pump water heaters (HPWH)

HPWHs have evolved more rapidly in recent years as a 300 percent efficient replacement for standard electric water heaters. They are able to achieve such high efficiency by moving two units of heat with one unit of electricity and putting all three units of heat into the water in their tank. These HPWHs work quite well in new construction when a 240 volt circuit is easy to run to the HPWH location. California organizations are working with HPWH manufacturers to develop 120 volt models that will plug into a regular outlet so it will be easy for plumbers to install them in place of obsolete gas water heaters.

Electric vehicles (EVs)

EVs are becoming mainstream as car buyers and lessors are recognizing the superior drivability and excellent life cycle economics of EVs, which cost one-third as much to energize, and one-half as much to maintain, and can last two to three times as long as combustion driven vehicles. EVs appeal to fleet managers that operate larger vehicles like busses and trucks and also to autonomous vehicle developers where their advantages will shine as the EV can find its own charging on its own time. Some experts in disruptive change forecasting such as Tony Seba point out that the combustion car will be seriously obsolete by 2021. They will still exist until worn out, but they will not be in new demand.

Surveys show that those who try EVs do not return to gas cars, because of their many advantages. Many families report replacing their second gas car and never wanting to buy a gas car again.

Advances in EVs continue to come rapidly:

- Driving range is increasing to 300+ miles per charge
- Recharge speed (miles of range per hour) is increasing as well
- Variety of brands offering EVs is increasing as most car companies want to have the cars future customers want
- Variety of models is increasing with busses, heavy trucks available now and pickup trucks to be available in 2020
- More charging locations are being built and still more are needed at home and at work and along highways for more long distance travel

Autonomous electric vehicles (AEVs) may replace individually owned cars more suddenly than we can imagine today. AEVs have a 10x lower cost per mile used. Technological advancements that offer such significant advantages over the status quo can disrupt the incumbent technologies surprisingly fast (for example: wood to coal, horses to cars, paper to computers, land lines to smart phones, sea travel to air travel, etc.)

Cooking

Advances in induction cooking are providing high performance safe, clean, healthy-air cooking.

Drying

Advances in heat pump clothes drying are offering ventless high-efficiency electric dryers that can be installed in the middle of a building. Powerful electric resistance dryers will probably maintain a strong market niche also.

Fireplaces

Advances in electric fireplaces are providing soothing, safe, clean air and rustic ambiance, as wood burning is on its way out. Gas fireplaces may eventually come under scrutiny from consumers and regulators, due to the pollution they create.

Collaborative efforts

Several examples point to collaborative efforts becoming more the norm between different cities and with CCE providers (CCEs) like PCE.

1. The formation of CCEs by counties, citizen groups and elected officials has dramatically changed the landscape for climate change action. Most cities lack the scale to develop a cost effective CCE and so collaboration was required and CCEs across California are being formed as Joint Powers Agencies (JPAs), having powers similar to the entities (cities and counties) that formed them.
2. SunShares Program, a non-profit effort to assist with the complex shopping process for rooftop solar, and recently for EVs, provides cost savings through bulk purchases. Sunshares is offered in many cities and supports citizen efforts to decarbonize.
3. 2019 Reach Code efforts are being lead as collaborations between PG&E, non-profits, San Francisco, several counties including San Mateo and many local cities. In this round of Reach Codes, cities are looking to each other and the county and PCE to see what is working and learn from each other. Prior Reach Codes were more isolated.
4. San Mateo County's climate action plan is in its second cycle, but it tends to be a lagging document, based on the compromise required to be palatable to slow actors in the larger county.

Work force

The work force for new construction will need to make minor adjustments and are often resistant to change. Slightly more electrical work will be needed in new buildings and substantially more in parking lots. Less gas pipe fitting will be needed, along with less exhaust stack sheet metal work. More solar installation will be needed and innovative mechanical systems will become more common.

The work force for retrofit projects needs to be grown substantially as the task of fuel *switching* in retrofit is often more complex than simply dropping in a same-fuel same-constraints replacement device. For example vent stacks can be sealed off or removed, new controls may be needed, more building shell and duct repair may be warranted to help the new system be right sized onto the existing electrical panel, or in some cases a new electric panel may be needed.

Any local effort to fuel switching in buildings must be accompanied by thoughtful workforce development. City and county leaders should collaborate closely with local community colleges to provide demand forecasts for HVAC technicians and installers who will be suitably trained to meet the labor demand that will be generated by local fuel switching initiatives. The groundwork for such collaboration can begin immediately.

Distributors

Distributors have been risk averse about stocking heat pumps, since the market before the Reach Code has been small. Distributors make money from both gas and electric devices but can be influenced by midstream incentives.

Reactionaries

Reactionaries are parties who may want to preserve the dominant role of methane and combustion fuels, in order to maintain their profits without having to pivot to a more climate friendly product line, process or business model. Southern California Gas (SoCal Gas) company is an example, as scientists are finding that their methane product must be reduced or eliminated, in order to preserve the climate, without impinging on modern lifestyles. SoCal Gas could start the pivot from being a chemical delivery utility to being a thermal services utility (e.g. directional boring and piping community shared heat pump districts that trade excess heat and cool between different building types).

Policy initiatives surrounding Menlo Park

State level

California has taken a national lead in grappling with climate preservation and will likely continue to play a strong role in the future. Menlo Park can demonstrate leadership by enthusiastically implementing creative approaches that pursue the state's objectives faster than the state's often compromised pace. The City's goals can align with or surpass Assembly Bill 32, the supporting Scoping Plan, and Executive Orders (EOs) B-30-15 and B-55-18. These suggest local governments develop climate plans that address both GHG emissions and climate change adaptation, as well as mandate that California achieve a 40 percent GHG emissions reduction by 2030 and an 80 percent reduction by 2050 (below 1990 levels). If Menlo Park chooses to take a leadership role by surpassing the State's requirements, its efforts can then support and inform additional progress by the State and other entities. Collective follow-on initiatives at the county or state level will then magnify the impact of Menlo Park's initiatives. Other State legislation supporting climate action:

- EO B-30-15 also directs state planning and investment to carry out both GHG emissions reduction and climate change adaptation measures.
- EO B-55-18 establishes a new statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, as well as to achieve and maintain net negative emissions thereafter.

Electric supply

PCE already has a 90 percent GHG free (annual balance) basic product offering with a goal of being 100 percent GHG free by 2022. PCE has expressed interest in local renewables as well as local electricity storage for resiliency and providing valuable grid services and energy balancing.

State renewable portfolio standards (RPS) targets for electricity generation have risen to 60 percent RPS by 2030 and 80 percent by 2045, with up to 20 percent additional able to be met by carbon free resources such as large hydro (>30 MW), nuclear (despite the scheduled closing of Diablo Canyon in 2022) and fossil fired generation with carbon capture and sequestration (CCS). These high state-mandated targets for renewables and the continuing growth of rooftop solar will lead to decreased cost for daytime electricity, while growth in electrification leads to increased cost of nighttime energy. This price shift can be moderated by increased wind power deployment (currently only slowly growing,) better load shaping (encouraging daytime EV charging) and energy storage (e.g., thermal storage and battery storage at grid scale, microgrid scale or building scale and vehicle to building (V2B).) The storage economics will grow from storing for a few hours, to storing day for night, to storing weekend for weekday evening to eventually methods of moving spring and summer energy to the dead of winter.

Electric rates

Electric rates will get some relief and are also subject to some upward pressure. The relief comes from increased sales volumes brought about by electrification (heat pumps and EVs) that could ultimately double sales volumes across the same system and thereby reduce the per unit electric rates. California “decoupled” utility profits from sales volumes for regulated utilities like PG&E, so PG&E makes fixed amounts of shareholder profit at 11 percent of allowed book value of infrastructure installed and useful. Increased sales volumes lead to rate relief as fixed costs are spread across more kilowatt hour. At the same time, electric rates are subject to upward pressure in order to meet the high cost of fire liability and the resultant profit allowed by installing safer infrastructure to prevent disasters.

PCE has almost an opposite financial exposure in its business model. PCE earns operating income from the sale of electric energy based primarily on how low the hourly market cost of energy is in the day-ahead electric markets that their transactions are settled upon. So PCE generates income from more electric sales (electrification,) particularly at low cost hours like 9 a.m. to 3 p.m. when solar energy is abundant. So PCE and its customers would benefit from electrification by spreading fixed costs over more electric volume and maximizing the use of energy in low cost periods like 9 a.m. to 3 p.m., although other periods are also helpful. PCE

can initiate a virtuous circle of investing in home electrification, which in turn generates net revenue to support even more electrification.

Electric rate structures

Electric rate structure reform will help shape electricity demand to better match the abundant supply provided by renewables, especially solar PV. We anticipate further flattening of the high consumption based tier pricing (assists electrification economics) and replacement with time of use (TOU) pricing. New rate structures will focus on addressing the "duck curve" where electricity prices are extremely low during the middle of the day, 9 a.m. to 3 p.m., when electricity from solar PV is abundant, and prices are then higher, 4 p.m. to 9 p.m., when demand is typically high and supply from solar PV is declining.

Gas supply

More scientific information is surfacing on the growing role of methane (CH4) as a powerful GHG that uniquely plugs one of the few windows (in the infrared radiation spectrum) through which our planet can shed unwanted heat. As such its warming effect (measured on the important 20 year timeframe) is 30 times worse if it is leaked than if it is combusted into carbon dioxide. This means methane is a climate-dangerous fuel to handle because if as little as three percent of the fuel leaks, the climate impact of the fuel is doubled and it looks worse than coal. If six percent leaks the impact on climate is tripled, etc. Entrenched gas interests like SoCal Gas see the delivery of dangerous methane as their lifeblood and are pushing for its widespread continuance and expansion. PG&E is having to "play nice" as it's in the midst of a bankruptcy reorganization and needs good PR to procure shareholder benefits from the bankruptcy court. Because it maintains both the natural gas and electricity delivery systems in its territory, PG&E is somewhat indifferent to the competition between electricity and natural gas, as it can profit through the delivery of either. It earns money by getting CPUC permission to add to its electric plant in service ("Rate Base" that it earns 11 percent per year upon) as policies favor meeting more energy needs with electricity vs. gas.

Both the gas and electric utilities in CA have "regulatory decoupling" that means they earn shareholder profits from the 11 percent return on investment (ROI) on allowed plant in service, and not from increasing sales volume. Their profits are decoupled from their sales volume. This makes them partially agnostic about sales volume but always interested in the excuse to add more infrastructure. The retail rates can decrease, if sales volume increases and electric rates will decrease if electric sales rise (especially in mid-day hours.) Conversely, gas rates will increase if gas sales volumes decline, as is required to meet climate targets.

Gas rates are likely to increase over the long term from decreased sales volumes across the remaining distribution infrastructure. PG&E "peanut butters" its gas distribution rates across a wide territory so they are the same across their territory. This presents a first mover advantage to communities that reduce gas sales before other communities. It allows early movers to reduce their consumption before gas rates rise to impact their small remaining gas consumption. Late movers will still have large gas consumption paying the rising rates.

Public safety power shutdowns (PSPS)

In the aftermath of devastating firestorms sparked in some cases by freakish high winds blowing climate damaged trees into power lines, PG&E will institute PSPS in certain risky areas based on weather forecasts of extreme fire danger. Hopefully it will result in less fires. It is causing angst for electric customers and is causing them to seek energy resilience from such methods as emergency kits with batteries and camp stoves to home generators, home batteries, "secure plug" solar electricity inverters, vehicle to home (V2H) EVs (rolling batteries) with two-way chargers and microgrids.

Climate preservation as a multi-agency goal.

2018 and 2019 were sea change times for California's state agencies as both the Energy Commission (CEC) and the Utilities Commission (CPUC) adopted climate preservation as important parts of their missions. This was marked by the end of the CEC's long run bias favoring gas and opposing electricity for code compliance. The CEC has moved to a neutral position in the 2019 Title 24 Base Code and is signaling that they will support electrification as a strategy as they now recognize the impacts of other state policy that has cleaned up marginal load growth grid emissions. For example, new electric load cannot be met with resources exceeding 40 percent fossil fired by 2030 (the logical converse of a 60 percent Renewable Platform Standard.) The CPUC has included reduction of GHG emissions as part of its mission in addition to rate control. In 2019, the two agencies reformed a 1990's era three pronged test that had prevented using energy efficiency funding to pay for efficiency efforts targeted at fuel switching. This will likely result in new utility incentives being available to customers who switch from gas water heaters and space heater to highly efficient heat pumps for those uses. To some extent, Governor Brown's actions to conform multiple agency goals around carbon has been viewed internally as a win for the Air Resources Board who initially held that goal and is now joined by other agencies supporting that goal.

Assembly Bill 398 legislation enacted in 2017 requires the state to target a 40 percent reduction in GHG emissions by 2030 and is a rapid serious reduction in emissions compared to prior paths.

Prior emission reduction targets baked into the California's Cap and Trade system (CATS) were gentle enough that other exogenous regulations, like the growing RPS and efficiency rules, were already meeting the economy wide reduction targets and the CATS auction price for carbon emission allowances (permission to pollute) floundered at the floor prices below $20 per ton, indexed to inflation. The new 40 percent reduction target is aggressive enough that without an amazing drop in combustion miles traveled the CATS allowance prices will likely swing to the ceiling levels around $60 per ton, creating a mild but discernible signal for industry and utilities to reduce carbon pollution.

California Air Resources Board, BayREN, etc.

The state will likely increase its activity and assistance to communities taking leadership roles in testing new advanced policies.

Federal level

Currently there is a vacuum in leadership on climate change at the Federal level. While this creates an opportunity, in fact a mandate, for cities to act instead, such inaction at the Federal level is unlikely to continue indefinitely. Recent surveys indicate that a growing percentage of Americans are at least "somewhat concerned" about climate change. Long-term, the U.S. is unlikely to have a President who is as unwilling to confront the reality of climate change as the current President.

Green new deal (GND)

The GND is an aspirational effort to align congressional members behind policies that achieve multiple benefits at once. Goals include: GHG reduction, air pollution reduction, health improvements, job creation, career creation, investment in updated infrastructure, international competitiveness, etc. The GND is meant as an umbrella to align the development of multiple pieces of problem solving legislation in the future.

Carbon Fee and Dividend

The Carbon Fee and Dividend (ongoing but not yet achieved) effort is a bipartisan effort to enact a fee on carbon at the mine, well and import port and to use the proceeds to fund an equal per capita annual or monthly dividend to each citizen. It places a fee on carbon pollution, just as cities charge their residents a fee for solid waste. The proposal is to make the fee per ton steadily increase in a predictable path, creating a signal to emitters and consumers to reduce emissions, in order to gain economic and competitive advantage. It may create a race to reduce emissions.

International level

The Paris Accord

The Paris Accord signatories (forward-looking countries) commit to developing and sharing plans and programs they are developing to meet the target of not exceeding 2 degrees Celsius (C) and striving to not exceed 1.5 degrees C. The difference in damages is that 2 C rise will produce 4 times as much physical and economic damage as 1.5 C rise.

Physics and economics

Many projections of the marginal damage per marginal ton of carbon dioxide emissions (CO2e) exceed $200 per ton. In fact the slightly delayed but inevitable damage from CO2 already in the atmosphere and ocean may exceed $200 per ton. It makes economic sense to spend almost as much as the damage cost, to remove CO2e from the atmosphere or to prevent its emission in the first place. That is simple economics. As more of this becomes apparent there will be more willingness to spend much more than the current (CAT incentivized) $20 per ton to reduce emissions. Logically, forward-looking governments will enact policies that cost as much as the marginal cost of damages, in order to avoid those damages and maximize societal value (minimize societal cost.)

Sources of funds to pursue emissions reductions

- California Cap and Trade funds
- BayREN
- To be developed 2020-2021 PG&E fuel switching with efficiency rebates now allowed under CPUC 3-prong test reform
- PCE rebates may be developed for electrification. PCE has already offered group buys for EVs and EV incentives
- Sun Shares type group sales discounts
- Solar Tax credits are currently scheduled to be 26 percent for 2020, 22 percent for 2021 and zero thereafter. They apply to solar systems and battery systems charged by solar.
- EV federal tax credits exist in dollars per EV at declining levels as each model reaches certain sales volumes.

This CAPSA is provided as a living document where the current situation analysis can be discussed, revised and recorded in an easy-to-find and updatable place.

CAP goals and process

The CAP subcommittee requests input from the EQC and city staff regarding the process and timing of the CAP's development and invites an initial discussion about CAP goals. Here are some specific topics for discussion at our upcoming meeting:

1. Local impacts of climate change (Josie)
2. Situational analysis (Tom)
3. **Input from EQC**
    a. Preferred pace and timeline for CAP development (James)
    b. Desired level of input by full EQC and opportunities for commissioners to lead (James)
    c. Options for community engagement (Josie)
    d. Desire to collaborate with other cities, county, CCEs (Tom)
    e. Proposed content framework (Josie)
        i. Proposed final format of CAP recommendations
        ii. GHG reduction goals, inc. leadership pace
        iii. Making the case for bold action, inc. financial savings and wealth advantage
        iv. Sample strategies
        v. Sample projects
        vi. Preferred level of plan detail
    f. Other advice or requests from EQC (all)

Below is a list of resources used in the preparation of this memo:

Literature review

1. Menlo Park's 2009 CAP, including GHG inventory
2. Menlo Park's 2013 CAP update, including GHG inventory
3. Sunnyvale's 2019 CAP update (extensive), just approved by its City Council
4. Climate action and resiliency plan (CARP) for the City of Alameda, 2019

5. California's continued electric vehicle market development, May 2018, prepared by Nic Lutsey for the International Council on Clean Transportation, https://theicct.org/sites/default/files/publications/CA-cityEV-Briefing-20180507.pdf
6. Expanding the Electric Vehicle Market in US cities (includes analysis of various policies meant to drive adoption), July 2017, prepared by Peter Slowik & Nic Lutsey for the International Council on Clean Transportation, https://theicct.org/sites/default/files/publications/US-Cities-EVs_ICCT-White-Paper_25072017_vF.pdf
7. Rising Seas in California, an Update on Sea-Level Rise Science, April 2017 by California Ocean Protection Council Science Advisory Team, http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf
8. Our Coast Our Future modeling tool, for local sea level rise projections, http://data.pointblue.org/apps/ocof/cms/index.php?page=flood-map
9. NRDC report on electrification and potential stranding of natural gas assets
10. Trends in gasoline sales in the US and California from 1980-2019
11. Intergovernmental Panel on Climate Change (IPCC) Special Report on Global Warming of 1.5 C: Summary for Policymakers, October 2018 https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_SPM_version_report_LR.pdf

Interviews

12. Interview with Sustainability Commissioner Kristel Wickham for the City of Sunnyvale, regarding the Sunnyvale's 2-year process to update its CAP, which ended recently with unanimous approval by their City Council
13. Info from Mayor of City of Arcata, California on plans for phasing out of natural gas

CITY OF MENLO PARK

REGULAR MEETING MINUTES - DRAFT

Date: 7/17/2019
Time: 6:00 p.m.
City Hall – "Downtown" Conference Room
701 Laurel St., Menlo Park, CA 94025

EQC Commissioner Josie Gaillard participated by phone from:
39586 North Cotton Patch Hills
Bethany Beach, Delaware 19930

A. Call To Order

Vice Chair Payne called the meeting to order at 6:16 p.m.

B. Roll Call

Present: Gaillard, London, Vice Chair Payne, Turley
Absent: Kabat, Martin, Chair Ryann Price
Staff: Sustainability Specialist Joanna Chen and Sustainability Manager Rebecca Lucky

C. Public Comment

No public comment was received.

D. Regular Business

D1. Review and discuss a recommendation to the City Council regarding a proposed pricing structure for public use of city owned electric vehicle charging stations

Sustainability Manager Rebecca Lucky made a presentation on behalf of Climate Corps Fellow Elise Doan (Attachment).

ACTION: Motion and second (Gaillard/Vice Chair Payne) to recommend to the City Council the proposed pricing structure for the public to use of city owned electric vehicle charging stations, with the following additions:

- Use the pricing structure as a pilot program for six months and report back to analyze effectiveness of the pricing structure
- Allocate the escalation fee for future electric vehicle charging station installations as first priority then climate action plan as second priority
- Strategize ways to designate electric vehicle charging stations for City employees to for free charge and/or ensure space is available when needed
- Explore gas tax option instead to fund future electric vehicle charging infrastructure and provide free charging to further incentive electric vehicle purchases

Motion passed (4-0-3, Kabat, Martin and Price absent).

D2. Strategize on how to execute the 2019-2021 Environmental Quality Commission work plan and

discuss formation of work plan subcommittees

Vice Chair James Payne introduced the item.

The Commission prioritized updating the climate action plan and formed a new climate action plan subcommittee.

ACTION: Motion and second (Vice Chair Payne/London) to prioritize the climate action plan update in 2019-2021 Environmental Quality Commission work plan and form a climate action plan subcommittee consisting of Commissioner Gaillard, Kabat, and Payne to lead and coordinate the process with the commission, passed (4-0-3, Kabat, Martin and Price absent).

Item D3 moved to September 18, 2019

D3. Discuss the Environmental Quality Commission's quarterly report to the City Council

D4. Discuss September's Environmental Quality Commission agenda

Vice Chair James Payne introduced the item. Items coming up include the Heritage Tree Ordinance update, climate action plan subcommittee report, and City Council quarterly report

D5. Approve the June 19, 2019, Environmental Quality Commission meeting minutes (Attachment)

Vice Chair Payne introduced the item.

ACTION: Motion and second (Gaillard/Vice Chair Payne) to approve June 19, 2019 Environmental Quality Commission meetings minutes, passed (4-0-3, Kabat, Martin and Price absent).

E. Reports and Announcements

E1. Commission reports and announcements

Commissioner Gaillard requested a 10-minute presentation on the impact of sea level rise in October or November and reported on meeting with other commissioners from neighboring cities to discuss climate action plan strategies.

E2. Staff update and announcements

None.

E3. Future agenda items

None.

F. Adjournment

Vice Chair Payne adjourned the meeting at 9:07 p.m.

Minutes prepared by Joanna Chen.