



Memo

To: The Atherton Planning Commission
From: Sally D Bentz-Dalton, Town Arborist
CC: Radha Hayagreev, Senior Planner
Date: 8/3/23
Re: Planning Commission Monthly Report Standards Document Update

Background

Per International Society of Ariculture, there are 5 main ways that trees are damaged or killed during construction.

- **Root Damage:** Grading, trenching, paving, altering drainage patterns, and adding or removing soil within a tree's critical root zone damages tree roots. If too many roots are damaged, the tree will be affected.
- **Soil Compaction:** Heavy construction equipment increases soil density (compaction), slowing root growth, limiting water penetration, and decreasing oxygen needed for root survival.
- **Physical Injury to Trunk Crown and Root Collar:** Construction equipment can break branches, tear bark, and wound the trunk. These wounds weaken the tree and allow the entry of decay-causing fungi. The base of the tree and its root collar are especially vulnerable to damage from machinery and soil, or debris placed over the lower trunk.
- **Heat and Chemical Damage:** Bark and foliage are easily damaged by the heat from running machinery and burning material. When spilled fuels and runoff from cleaning concrete delivery vehicles seep into the soil, soil chemistry changes and root growth and function are reduced.
- **Removal of Supporting Trees:** Closely spaced trees grow as a community, supporting and protecting each other. Removing some of the trees exposes the remaining trees to sunscald stress or structural failure.

Per section 4 of International Societies of Arboriculture's Best Management practices it is stated that site visits are necessary to monitor tree heath and damage should be a priority during site visits. During the actual construction process, it is the arborist's role to stay in close contact with the contractor, developer, and municipality representative and be an active integral part of the construction team.

Per the book *Trees and Development*, it states that the consultant has 5 major responsibilities during the construction phase:

- Maintain the tree protection zone.
- Assist with changes in the field.
- Monitor tree health and conditions and specifying appropriate treatments.

- Help identify appropriate work procedures around trees.
- Facilitate completion of the project.

Construction phase monitoring:

- 1) To ensure that all regulations and requirements imposed on the project are being met.
- 2) To identify any existing or developing tree related problems that require treatment.
- 3) To discuss any new design or work procedures with the project superintendent and or/contractors.

What the arborist looks for during monitoring:

- Ensure the integrity of the tree protection zones.
 - Tree protection fences intact
 - No storage materials
 - No parking
 - No dumping
 - No evidence of soil or understory disturbance in protected areas
- Note any tree injury that occurred.
 - Damaged branches from equipment
 - Cut, injured or exposed roots.
- Look for unusual changes in tree appearance and make treatment recommendations.
 - Leaf color, density
 - Wilting
 - Checking, bleeding on bark
 - Pest activity
- Confirm that previously recommended treatments have been applied.
 - Irrigation
 - Pruning
 - Mulching
 - Fencing
 - Root pruning
- Address new questions and problems.
 - Unapproved activity near trees
 - Additional pruning for clearance
 - Design changes
 - Work procedure or design changes
- List new action items
 - Tree treatments
 - Fence repair
 - Soil projection

Current Code

The current monthly report process was incorporated into the Code Section 8.10 in 2020, per the Heritage Tree Preservation Standards and Specifications document. The monthly report process was adopted from Palo Alto's Tree Ordinance.

The addition of the monthly arborist report requirement to the code in 2020 was necessary because contractors were not having their private arborist inspect their sites, which made them non-compliant with the Town's Standards. The private arborists are responsible for ensuring the health and safety of the trees during the construction phase and for the enjoyment of future residents. They make recommendations for prevention of damages to the trees and educate contractors how to preserve the trees throughout the duration of the project. The private arborist is there for prevention making recommendations to the sites on how to keep the existing trees preserved through the 3 plus year projects.

There are currently 104 full site developments in Town. This number fluctuates but is always over 100 sites. It is not physically possible for me to visit all 104 sites each month. Also, the private arborists are much more familiar with each project than I am. When I visit the site, I am reactive. If I find issues then verbal warning are given as well as fines, stop work orders and delayed permits. When I visit, I am looking for issues, and I am reactive.

Private arborists are intimately familiar with each construction project they are hired to inspect, while I am responsible for overseeing all construction projects in Town, which is an impossible feat for one person to do on a monthly basis. Their focus is proactive, whereas my focus is reactive. Private arborists advise contractors of the violations and provide recommended courses of action to bring the property into voluntary compliance with the Town's Standards. During my inspections, I am focused on any violations that were not corrected, which may result in verbal warnings, stop work orders, fines, or delayed permits.

The monthly reports are **only for** full site developments or very large remodels. They are not for accessory structures. The monthly reports are required to be issued at demo permit issuance and then after demo they are not required until the Grading and Drainage or New Residence permits are issued.

Our current code per the Heritage Tree Preservation Standards and Specifications document:

4. Monthly Inspections

The Project Arborist shall perform monthly inspections to monitor changing conditions and Heritage tree health and submit a written report to the Town Arborist, referring to this document by the 15th of every month on a form as prescribed by the Town Arborist. If the 15th falls on a weekend or holiday, the form shall be submitted on the next working business day. Submission shall be by email to the Town Arborist.

When the private arborist is on site, they conduct the following:

- Make sure the fencing is installed correctly, and nothing is stored within the tree protection area.
- They check on trenching, if any roots over 2" are not being cut, look at /look at foundation work.
- They monitor the health of the trees.
- They call out dangerous limbs/trees.

In the report to the Town, they are required to include photos, describe any work that is happening, make any recommendations and report on any issues from the site visit they conducted.

The Town gives a 5-day grace period if they are not turned in by the end of day on the 15th and then after the 5-day grace period the Town Arborist sends it over to Code Enforcement.

Proposed Changes to Code

At the May 2023 Planning Commission, contractors voiced their concern that the monthly arborist reports were creating an unnecessary burden on them.

The Planning Commission asked staff to investigate and update the code.

You will find a tracked changes version of the Standards document attached.

1. Monthly Inspections/Quarterly Report

The Project Arborist shall perform monthly inspections to monitor changing conditions and Heritage tree health. A quarterly written report is required for full site developments and large remodels. The written reports should be submitted to the Town Arborist quarterly on February 15th, May 15th, August 15th, and November 15th during the full length of the project. If the 15th falls on a weekend or holiday, the report shall be submitted on the next working business day. Submission shall be uploaded to the Town's Public Work's portal.

The written report is required after issuance of the demo permit or if there is no demo permit, then at issuance of the building permit. If a permit is issued the same month as the required report, then the written report will start at the next quarterly date.

The report shall include the three months of site visits and documentation of any disturbance to trees on the site during the past months. The report shall include photos and dates of visits and or disturbance. The report shall include any mitigation measures and any recommendations for the site to address.

If issues are found by the Private Arborist, the private arborist shall make the site aware and offer recommendations and mitigation. The Private Arborist shall also contact the Town Arborist with any issues that are not resolved after each site visit.

Staff is recommending requiring monthly site visits when the site is under construction. Even if frame or foundations are not occurring the fencing and trees health are still a factor. As more and more subcontractors join the job it is important the arborist is still visiting. The physical report would only be required quarterly.

It should be a requirement that the private arborist contact the Town Arborist if any issues are discovered during their site visit – in addition to submitting the report to the Town Arborist. Discrepancies and concerns cannot be delayed for a month or quarterly when it comes to the health and condition of the trees in our Town. It is crucial for the private arborist to be associated with a construction site through the various stages of the project, including the grading and landscape phases.

Another recommendation is for the private arborist to contact the Town Arborist if any issues are found by the private arborist during the site visit.

Just having quarterly reports and only 4 inspections a year is not good. It will be too late to address the concerns once I receive a report 3 months later. It is crucial for the arborist to be on site for many stages of the project including grading and landscape phase.