



Memorandum

TO: HONORABLE CITY COUNCIL

FROM: Mayor Liccardo
Councilmember Carrasco
Councilmember Davis
Councilmember Esparza
Councilmember Cohen

SUBJECT: SEE BELOW

DATE: 01/21/2022

Approved

Date 01/21/2022

SUBJECT: COMMUNITY FOREST MANAGEMENT PLAN

RECOMMENDATION:

Approve the Community Forest Management Plan with the following direction to the City Manager:

1. Establish the Advisory Group referenced in the CFMP and include representatives that understand the best practices for expanding a healthy community forest, and the equity imperative in doing so. The Advisory Committee should be limited to a manageable size, but at a minimum include:
 - a. City staff from DOT, PRNS, and PBCE – with consultation as required with the Office of Racial Equity and ESD;
 - b. Our City Forest;
 - c. Other relevant government agencies and non-profit partners, such as the Open Space Authority, San José Conservation Corps, Valley Water, and the Santa Clara County Association of Realtors;
 - d. Residents, local groups with a strong interest in tree care (e.g. neighborhood associations), and advocates from two or three of the most canopy-deficient districts in the City.

2. Pursue additional funding to support CFMP implementation including:
 - a. Engaging with the Governor's Office of Planning and Research (OPR) on the forthcoming tree related funding opportunities with Regional Early Action Planning Grants 2.0 (REAP 2.0), Transformative Climate Communities Funding (TCC) and Adaptation Planning Grants, as well as accessing funding through the Healthy Streets Program created through the Infrastructure Investment and Jobs Act (H.R. 3684), and any other governmental funding identified by City lobbyists;
 - b. Determining whether VMT fees could fund tree development in low-canopy districts, ensuring their integration in new capital projects.

3. Respond during the January 25th Council hearing, or no later than the presentation of budget estimates referenced in #6, below, to prior Mayor and Council requests to:
 - a. (From the Mayor's 2021 Budget Message) Identify potential cost savings to the more than \$1000/tree cost estimate provided to Council when we last voted to increase spending on tree plantings;
 - b. (From 2019) Identify why the City cannot waive civil liability for disadvantaged homeowners and property owners in canopy-deprived neighborhoods to accept and support trees in park strips fronting their property, where they choose trees that the City has determined to be least likely to damage adjacent sidewalks;
 - c. (From Resilience Corps authorization in Mayor's 2021 Budget Message): Clarify what barriers currently prevent allowing Resilience Corps members to participate in tree plantings, maintenance, or tree care, despite longstanding practice of Americorps members doing so, and identify opportunities for Resilience Corps to help with street trees.

4. Through the budget process, direct DOT to bring forward budget estimates for the:
 - a. Completion of a street tree inventory;
 - b. The planting and establishment of between 2000 and 3000 street trees annually that will be distributed with an equity lens, prioritizing historically underserved communities; and considers median income, environmental inequities, and over-paved neighborhoods,
 - i. Bring forward estimates related to the creation of pocket forests (a small area of densely planted trees, shrubs and ground cover plants, to create a woodland ecosystem), that strategically uses open spaces;
 - c. Pavement removal in over-paved neighborhoods, creating space for tree canopy, and effectively targeting urban heat island effect;
 - d. Hiring of an Assistant Arborist that, within their range of duties, could prioritize oversight of existing parks trees;
 - e. Bring forward specific options for minimizing General Fund impacts, such as through leveraging the energy of the Resilience Corps, Conservation Corps members, Our City Forest, and the use of technology.

5. Aligned with Strategies #1 & 2 of Goal 4 (“Funding the Community Forest,” p. 142), explore, and report findings to Transportation and Environment Committee and Neighborhood Services and Education Committee, whether it would save both property owners and the City money for the City to assume the responsibility for maintenance and planting of street trees in park strips, and relieve homeowners of that burden. The City could charge property owners a modest property-based, Proposition 26-compliant annual fee for preventative pruning, tree maintenance, removal, and sidewalk repair. Determine whether, and the extent to which, the cost burden for doing so could be outweighed by other considerations, namely:
 - Avoiding more expensive burdens on property owners and the City from neglect (see pp. 85-87), lack of pruning, sidewalk repairs, and poor species selection;
 - Reducing the routine frustration experienced by thousands of homeowners burdened with contractor bills, hefty permit fees, and challenging permit requirements (pp 168-170);
 - Saving City staff time and cost allocated to communicating and coordinating with residents about permits, regulation requirements, and fees;
 - Exploiting the savings generated by economies of scale through City assumption of work, and the integration of inspection, maintenance, and repair.
6. Prior to implementing elements of Strategy #2 (Revising the Planning Process), which might result in increased costs and delays to housing builders and homeowners, determine and report the following to Council:
 - a. Upon completion of the street tree inventory and any other available data, evaluate whether the data demonstrates that tree loss and lack of canopy is disproportionately caused by development displacement, or rather predominantly due to neglect and lack of care of existing trees along streets, in park strips, parks, and private property;
 - b. Determine the extent to which elements of Strategy #2 will impede, slow, or add cost to the process for development of housing, particularly affordable housing, and jobs-expanding development, with a particular recognition of the already burdensome challenges that City Hall’s planning and building process routinely impose on builders.
7. PBCE policy currently puts forth an x:x tree replacement to tree loss ratio. While this policy does ensure an adequate number of trees are planted, it fails to ensure adequate canopy coverage is achieved. Vital benefits from trees – specifically their efficiency in combating urban heat island effects – are more closely correlated with canopy cover rather number of trees. Return to the Transportation and Environment Committee and the Community and Economic Development Committee in the Fall with a “Zero Net Canopy Loss” policy that explicitly states we will not allow for any loss of tree canopy in the City where development occurs.

DISCUSSION

We thank the tireless efforts and passion of our community and staff in fostering and protecting our trees. First and foremost, we acknowledge the extraordinary work by Our City Forest and their dedicated team, their “tree amigos” and other volunteers to preserve and enhance our urban forest. We also thank the California Department of Forestry and Fire Protection for funding this effort.

The first two sections of the three-part San Jose Community Forest Management Plan (CFMP) accurately describe the many environmental, health, economic, and aesthetic benefits of trees in our community, as well as the City’s chronic underfunding of tree planting and maintenance. Much of this information seems educational for those new to this issue, although it provides data for all of us to learn something.

The focus of the findings and recommendations in these two parts, overwhelmingly, is on spending more, allocating more staff, and doing more. Six of the eight of the report’s key findings (pp.10-11) emphasize the urgency, inequity, and funding needs of our urban forest.

While it’s good to confirm what we already know—and what we continue to hear in each budget cycle—this is largely preaching, in many cases, to a willing choir. For example, the report highlights many of the concerns of inequity that Councilmember Magdalena Carrasco has consistently elevated in public discussion.

Over the past two years, the City has emphasized its efforts to eradicate structural and institutional racism from its policies and practices through a racial equity framework. The community forest must be addressed with this same equity lens.

As we look to revamp City efforts to consistently expand our urban canopy and provide care for our existing trees, we must prioritize historically underserved communities. Canopy loss poses an environmental threat to all San Joseans, but canopy deficient districts have long felt the effects. Our lowest canopied districts on the Eastside have 9% less tree coverage than our highest covered districts (pp. 32) and, as a result are, 4.79 degrees Fahrenheit hotter than other areas on average, a phenomenon known as urban heat island (Hoffman et al. 2020). Closing the canopy gap with an expansive urban forest can reduce peak summer temperatures while also reducing concentrations of air pollution, enhancing property values, providing wildlife habitat, and providing aesthetic benefits.

In a world of constrained budgets, however, finding solutions requires less preaching and more pragmatic problem-solving. We don’t need to pay a consultant several hundred thousand dollars to compile a 217-page report to tell us to spend more money to solve an already-identified urban problem. We have our own advocates and residents to do that. Our residents and advocates also tell us—accurately and frequently—that we must invest in homelessness, crime, trash and blight cleanup, traffic safety, fire risk, cybersecurity, emergency medical response, parks, after-school youth programs, emergency food assistance, senior services, childcare, trails, and zoo. And they’re right.

We also don’t need a consultant to tell us our staffing in tree maintenance and management is low relative to other cities (see pp.70-71). We can say precisely the same thing for each of those aforementioned services—and many more—because we have the most thinly

staffed City Hall of any major City in the United States. Shortfalls in each of these areas disproportionately and inequitably harm vulnerable families living in high-poverty communities to the extent that more affluent residents invariably have greater access to private resources to address problems, and less affluent residents rely on public resources.

Rather than merely providing a megaphone, we need consultants to more precisely tell us how to do better, and to do more, within our budgetary and staffing limitations. And beyond some recommendations about consolidating responsibilities on the organization chart, we see too little of that in this report. Although funding for the consultant has terminated, there are still questions of particular importance that staff should look to answer:

- How to deploy various technologies that can reduce the cost of planting, establishment, and tree care, to enable more service
- What barriers in the City's processes result in exorbitant (>\$1,000 per-tree) public cost for tree plantings
- How the use of one-time funds and grants can most cost-effectively reduce ongoing costs for needs such as maintenance
- Identify means by which the City can sustainably take the liability and permitting burdens for tree care and impacts off of homeowners, to encourage them to plant more trees
- Identify the specific factors that have had the greatest impact on the reduction of the City canopy, to enable the City to focus its scarce resources on the problem
- Identify best practices or community-based innovations other cities are taking to ensure proper watering and establishment of recently planted street trees

I expect that every member of this Council would spend more on tree care and maintenance if we had more funding. The City spent about twice as much last year as it did in 2013, according to the report (p. 74), but we'd all agree it's still not enough. But we'd probably also agree that we'd spend money first on homelessness, or on public safety, emergency food assistance, or other critical needs. Consultants need to acknowledge the reality of scarce resources and limited budgets.

To their credit, the authors do identify some grant sources on one page, which can be helpful, albeit limited to their one-time availability. The challenge is that we already rely on several of those same grant sources—such as Active Transportation and Affordable Housing and Sustainable Communities grants—for other priorities, such as trail and transit development.

Accordingly, all of this brings us back to the same question: what priority do we cut in order to spend more on trees?

Given the severe limitations on the bandwidth of our staff, the City cannot implement all these recommendations this year. A consultant's report should prioritize what needs our most immediate attention. Strategy #2, for example, will create additional staff work in the already long queue for Planning and Building, under the seemingly implicit assumption that new development is largely responsible for our canopy loss.

Yet in all of its 217 pages, the report does not clearly identify which specific factors have primarily caused the deforestation of San Jose in recent years. It is easy to view development as an easy culprit. Yet the districts in which we've seen the most canopy loss—Districts 5, 9, and

10—have some of the least development activity in the City (see p.32). District 3, with perhaps the most development activity, has had very little loss of tree canopy. Moreover, developers and builders are monitored by City staff, and they have legal obligations to plant trees to replace those cut down, and to seek permits. Only 6,894 tree removal permits have been issued in the six years studied (p.44), and those trees amount to a very small fraction of the total trees that comprise our urban forest, or of our recent loss.

Accordingly, other factors seem to be more likely culprits than developers. For example, we have endured two severe droughts in that time period, and watering restrictions have reduced outdoor watering of foliage. We've seen wildfire seasons that have blanketed our City with soot and airborne pollutants that can reduce tree health. We've seen dramatic housing displacement and turnover due to high housing costs, which may result in a more transient residential population with less ability or interest in attending to neighborhood aesthetics or tree health. There could well be other biologic factors related to tree disease, pollution, or climate change. The problem is that we don't really know anything more after reading this report than before, and the report's authors suggest a use of our resources that may lengthen often-sclerotic permitting processes. A better approach should have us aiming before we shoot—and maybe we could better use those scarce resources to plant more trees.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.