

Audit Report Recommendations and Status Update

Finding 1: Private property tree removal permitting requires better resources and improved processes.

<u>Recommendation 1</u> <i>To ensure consistency in processing permits for tree removals, the Department of Planning, Building and Code Enforcement should:</i>	
<i>a. Develop procedures and related training for staff on how to process permits for tree removals, including how to apply the City's standard replacement ratios; and</i>	<i>PBCE has formalized the procedures and guideline documents and will use those documents to train to all staff who work on tree removal applications.</i>
<i>b. Develop procedures for supervisors to review permits with tree removals to ensure that replacements are required per standard ratios.</i>	<i>Supervisors will utilize existing replacement ratios and will the update guideline policies and training when the replacement policy has been modified and adopted.</i>

<u>Recommendation 2</u> <i>To support planners' decisions regarding technical issues relating to trees, the Department of Planning, Building and Code Enforcement should:</i>	
<i>a. Create guidance for how decisions regarding the health of a tree and whether the tree is native should be made, or;</i>	<i>PBCE is working to route applications and plans to the Forestry team for review at the early stages of the application process. As part of continued collaboration, more guidance on the health of the trees will be added to the Planning Tree Review guideline document. Additional resources in Forestry are needed by PBCE and DOT to support development review of approximately 130 per year.</i>
<i>b. Provide planners with further access to certified arborists as needed, either through contractors or City arborist position(s).</i>	

<u>Recommendation 3</u> <i>To ensure that fees are appropriately aligned with work performed, the Department of Planning, Building and Code Enforcement should review the process associated with a live tree removal permit and update the permit fee accordingly.</i>	<i>The Forestry Team is being integrated in the review process for tree removals applications and within development projects, PBCE does not anticipate additional fee increases needed for the planning application at this time. However, this may be re-evaluated as Forestry team involvement evolves.</i>
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Finding 2: The City can better ensure replacement trees are planted and re-growing the canopy

<p><u>Recommendation 4</u> <i>To verify that trees have been replaced due to individual tree removals, the Department of Planning, Building and Code Enforcement should ensure applicants are complying with tree removal permit conditions to submit photographs or receipts of planted replacement trees. To facilitate this, Planning staff should:</i></p>	
<p><i>a. Create a follow-up process for Planning staff to review whether evidence has been submitted and issue reminders, and;</i></p>	<p><i>PBCE has created the process and is operationalizing it. PBCE has coordinated with the IT team to include data points and triggers in their permitting system to both allow submittals of evidence of planting by the permittee and allow staff to run reports to identify any projects that has not completed the submittals process. Certain portions of this reminder will be automated and done through the SJPermits.org but will require staff to review and sign off on the evidence of the planting. Additionally, Forestry will assist by confirming the correct tree is planted in the correct location when they are doing their own site visit for public trees, they can also verify the planting on the private property when possible.</i></p>
<p><i>b. If the evidence has not been submitted within the specified time frame, assess a fine or the off-site tree replacement fee.</i></p>	<p><i>Staff is coordinating with Code Enforcement on how to assess a fine or if additional update to their fee schedules are necessary.</i></p>
<p><u>Recommendation 5</u> <i>To verify that trees are planted according to replacement requirements for development permits, the Department of Planning, Building and Code Enforcement should develop a process for staff to collect a certification of substantial completion of landscape and irrigation installation prior to the issuance of a certificate of occupancy, as described in the Municipal Code.</i></p>	
<p><i>Forestry currently performs final landscape inspection for the public right of way. PBCE is working to include a Forestry inspection into the approval workflow. The level that Forestry can provide is contingent upon on Forestry's capacity. It is estimated that two additional FTEs may be needed.</i></p>	

<u>Recommendation 6</u> <i>To sufficiently recuperate lost canopy due to tree removals, Planning, Building and Code Enforcement, in coordination with the Department of Transportation, should:</i>	
<i>a. Review the tree replacement ratio to determine if it is appropriately meeting the goals of the community forest program,</i>	<i>Both items a) and b) will be discussed in the FY 2023-24 Quarter 1 CFAC meeting. Analysis will be performed to reconcile the competing needs of land development.</i>
<i>b. Revise the tree replacement policy to include considerations for canopy size and optimal species of replacement trees, and</i>	
<i>c. Provide permit applicants with guidance for appropriate selection to meet the replacement policy requirements and to best ensure tree survival.</i>	<i>Contingent upon a) and b), Forestry will provide support in a recommended tree list.</i>

Finding 3: DOT has not been spending in-lieu fee revenues timely

<u>Recommendation 7</u> <i>To ensure that in-lieu fees are spent in timely and appropriately, the Department of Transportation should:</i>	
<i>a. Identify locations or uses for unspent in-lieu fee revenues that have accumulated since 2018,</i>	<i>Planting space identification is an ongoing process. DOT will spend \$320,000 this year and has obligated a further \$340,000 in required maintenance.</i>
<i>b. Develop a set of procedures to ensure that plantings are accurately charged to the in-lieu fee appropriation,</i>	<i>The Forestry team has worked with the DOT finance group to ensure that new funds will go to a standalone vis-code, and that account is being used for planting and maintenance activities with mitigation funds. This will ensure proper funding source is being used.</i>
<i>c. Develop a set of criteria/policy that dictates how and when in-lieu fees should be used on plantings, and</i>	<i>DOT will pilot Council adopted policy to aim to spend 50% of collected mitigation fees in district from which they were collected and apply 50% to projects with a citywide equity lens. DOT will report on findings in June of 2024.</i>
<i>d. Regularly review data from AMANDA to determine new in-lieu fees that were collected.</i>	<i>Forestry is now able to access AMANDA. Fees paid go directly into a DOT managed account. In FY 22/23, \$320,00,000 will be spent for tree planting. \$340,000 are being held in reserve for establishment work (watering). The current fund balance that is not committed to a project is \$916,000.</i>

Finding 4: DOT should evaluate costs and establish metrics for community forest program's objectives

<p><u>Recommendation 8</u></p> <p><i>The Department of Transportation should create metrics to measure progress towards the City's tree planting objectives, such as the number of tree removals, tree replacements, planting efforts, and cost-effectiveness of different planting approaches.</i></p>	<p><i>Data is collected on a monthly basis. Information collected is the number of trees removed and pruned, number of trees planted, response times, permit applications processed, etc. Core service numbers to reflect planting efforts will be collected for FY 23-24 budget with further refinements anticipated with CFAC</i></p>
<p><u>Recommendation 9</u></p> <p><i>To assist in measuring changes to the city's tree canopy, Planning, Building and Code Enforcement should revise what data is tracked about tree removals and replacements in AMANDA and provide training to staff on how to accurately complete the fields. This should be done in coordination with the Department of Transportation's development of metrics around the City's tree planting objectives.</i></p>	<p><i>PBCE has added data fields in their permitting system to aid in the tracking of the tree removal and replacement. Once IT has updated the permit system, additional training and instructions will be provided to staff who intake and complete the reviews in the AMANDA permit system. This information can be collected and provided to the DOT staff.</i></p>
<p><u>Recommendation 10</u></p> <p><i>To ensure the City is able to increase the scale of tree planting and grow the canopy effectively, the Department of Transportation should work with the Community Forest Advisory Committee to develop an outreach plan, including metrics to determine success of the outreach program.</i></p>	<p><i>This topic will be introduced at the next Community Forest Advisory Committee meeting in the Autumn of 2023.</i></p>