

# OUR CITY FOREST

*June 30, 2021*

*To: Ryan Allen*

*From: Our City Forest*

***Subject: Public Comments on the Draft San José Community Forestry Plan***

Our City Forest has reviewed the Draft CFMP and offers the attached comments for your consideration.

This is the third round of comments submitted by OCF in accordance with various deadlines. Whereas the first two rounds of OCF comments addressed inaccuracies regarding OCF and attempted to more fully explain OCF's role in serving the community as well as the City, this third round focuses on other aspects of the CFMP.

The vast majority of our comments in this round fall into the categories of "Concerns Regarding the Process" and "Omissions of Relevant Topics, Data, & Analysis". In our estimation, the lack of a stakeholder group for this citywide project was the cause of significant omissions.

We appreciate the opportunity, albeit limited, to comment on the Draft CFMP.

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## Our City Forest Comments Regarding City of San José Draft CFMP 3rd round of OCF Comments Submitted 6-30-21

### I. Concerns Regarding CFMP Process

#### A. *Lack of Effective Community Outreach & Engagement*

1. 56 participants at 4 virtual meetings = 0.006% of San Jose's population.
2. The online survey participants do not reflect the City's racial or economic demographics.
3. No in-person community meetings were hosted for soliciting feedback in year prior to pandemic.
4. City rejected OCF offers to conduct outreach and co-hosting meetings in council districts and to help with forming stakeholder group.
5. The virtual meeting and the online survey were deficient in design and outcome.
6. No mailers were sent for the virtual community meetings.
7. Survey led to false implications that renters do not engage in urban forestry.
8. Interviews with council members excluded those representing low-income areas.
9. Virtual DOT meetings for the CFMP were capped at 30 participants.
10. Community not notified in advance of virtual workshops (2 business days)
11. Virtual meeting format was ineffective for soliciting community input.
12. Only one person presented at the virtual meeting
13. Virtual meeting had no other City department reps or stakeholders participating (other than OCF given 5 minutes)
14. The massive distribution via Next Door of an unfriendly technical 105-page document is ineffective and even insulting for residents, and cannot replace the lack of a stakeholder-driven process and user-friendly input opportunities.
15. Targeted outreach was not included to solicit input.

#### B. *Accessibility of Language*

1. The CFMP draft is a discouragingly long read that needlessly employs vocabulary that is difficult for non-expert audiences to interpret
2. Readers should not need arboricultural knowledge to understand it.
3. Enhanced science communication would use brief explanations of arboriculture terminology and concepts after their introduction, thus empowering the non-expert to understand the content.

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## ***I. Concerns Regarding CFMP Process, continued***

### ***C. Absence of Key Stakeholders***

1. OCF was not consulted in the development of the CFMP. Other key stakeholders were also ignored. This has resulted in the omission of dozens of critical topics and many inaccuracies. This should be acknowledged in the Plan itself.
2. The CFMP states that internal and external stakeholders were interviewed. The only external stakeholder interviewed was Our City Forest nearly two years ago and the information reported has multiple errors and incorrect data. This absence of stakeholders must be acknowledged in any Plan distributed to the public.
3. Due to the many omissions resulting from lack of stakeholder engagement, it would be beneficial to the City and the future of its urban forest to course-correct and create a CFMP that considers the needs of the urban forest as well as the needs of the community who depend on it, are responsible for it, and who steward it. The City and County of San Francisco developed an excellent plan and it could be a guide for the City of San José's CFMP.
4. The Draft states: "The City of San José chose to use "Community Forest" throughout its Community Forest Management Plan to be inclusive of all the built environments in San José, including urban, suburban, and rural locations." This acknowledges that the Plan is intended to be citywide across jurisdictions yet the process for developing the Plan was anything but.
5. The vast majority of the urban forest is neither owned by nor managed by the City. This is the reason it is essential to engage the key stakeholders. This is needed to ensure a comprehensive vs. a one-sided viewpoint and also collaborate on solutions. This process creates the essential buy-in to bring the plan to fruition. The Plan needs to provide data regarding property ownership.

## **II. Omissions of Relevant Topics, Data, & Analysis**

### ***A. Lack of Plan Alignment***

1. No stated consideration of, or alignment with, Green Stormwater Plan, Bike Plan, or Vision Zero.
2. Reference made to Climate Smart Plan, but that plan excludes the urban forest.

### ***B. Vision and Goals***

1. The vision statement is confusing.

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## II. Omissions of Relevant Topics, Data, & Analysis, continued

### B. Vision and Goals, continued

2. Overarching goals are unclear. There is neither a comprehensive vision of what San Jose's urban forest will look like 25 or 50 years in the future, nor any plan to achieve such a vision.
3. The Draft presumes the continued loss of canopy, but offers no actionable steps to address this.
4. Draft aligns urban forestry with other City initiatives such as Climate Smart and the Urban Village Plan. The Climate Smart Plan does not include the urban forest.
5. There are no SMART (specific, measurable, actionable, relevant, time-bound) goals. The Draft needs goals and actionable steps with input from key stakeholders.
6. The Draft lacks goals and plans outlining the challenges and projections by land use type, including residential property, commercial property, medians, parks, industrial lands, schools, etc.

### C. Resident Responsibility for Tree Care

1. In discussing reasons for not shifting responsibility back to City, Plan omits discussion of the disproportionate burden on low-income residents in regards to tree care costs including sidewalk repair, tree removal, and pruning.

### D. Public Health

1. The CFMP's fails to describe how lack of tree canopy is associated with higher rates of respiratory illness and other diseases.
2. On Pg. ix the quantification of benefits *excludes* health and other benefits

### E. Improper Tree Care/Pruning

Topping and malpruning of mature trees is rampant in San José.

1. Pg. 24: 5–7-year pruning cycles are only appropriate for older trees
2. Inappropriate tree maintenance and tree topping/improper pruning are mentioned as threats but the plan lacks actionable items and policy changes to address these issues.
3. The highest fine for tree topping is only \$250 for a 24"+ tree in SJ. whereas in SF it is \$1,800 minimum.
4. The plan should include an assessment of the current policies regarding improper tree care, as they are failing to reduce topping. This is a major threat to our mature trees, and it is only mentioned once on page 7, in a casual context.
5. Pg. 31: Data needed on costs associated with **not** maintaining the urban forest.
6. How are private pruning companies going to be monitored? Pg. 38, second to last paragraph: More likely the trees that are pruned by residents are increasing their liability issues through improper pruning, including topping.
7. Plan lacks discussion and analysis of code enforcement for these violations.

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## ***II. Omissions of Relevant Topics, Data, & Analysis, continued***

### ***F. Equity Issues***

1. The CFMP fails to include any geospatial context to illustrate inequities.
2. There is no mention of 28 years of funding efforts and tree planting by OCF for Downtown San José and East San José neighborhoods, parks and schools.
3. The Draft fails to describe how barren these areas were prior to these efforts, overlooking the most compelling evidence the City has to prove the effectiveness and impact of the OCF-CSJ model partnership and to take some credit.
4. These areas still remain under-canopied compared to other areas of the city, yet the only remedy offered in the CFMP is to partner with the Office of Racial Equity. The CFMP should also consider directing more funding to the OCF-CSJ partnership so that it can do more for these areas. To date, OCF has relied almost solely on non-City grants for tree plantings.
5. The CFMP should address displacement pressures in order to ensure that this plan serves the interests of long-term residents of San Jose.

### ***G. History of City of San José Tree Management***

1. The history of the DOT street tree management program is inaccurate.
2. No timeline of CSJ tree management history is provided to bring context
3. Historical data to show trends in expenditures and revenue are lacking.
4. Lack of annual tree removal data is concerning.

### ***H. City Policies & Impacts***

1. No comments or analysis as to recent weakening of tree ordinance/policies.
2. No impact analysis of weak code enforcement and no plan to improve.
3. No case study of, or feasibility study for, the implementation of a Tree Commission
4. No coverage of CSJ policies and communications related to PG&E tree work
5. No analysis or recommendation regarding a City Tree Commission
6. Lack of discussion of tree protection measures and enforcement.
7. No mention of impacts regarding City drought policies resulting in tree loss.
8. No analysis/data of environmental and financial impacts from loss of those trees
9. No data regarding City maintenance backlog.
10. No plan for managing tree removal backlog from drought-related tree loss
11. No data/analysis Impact of developer in- lieu tree replacement fees program, including increasing fee from \$300 to \$880; what has been the result, how much is it generating, and how it is being used?

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## II. *Omissions of Relevant Topics, Data, & Analysis, continued*

### I. *City Tree Program Missing Content and Discussion*

1. City tree removal data
2. Expenditure data and analysis for commercial contractor work
3. Clarity regarding increased DOT staffing for tree management
4. Data showing historical/comparative CSJ Street Tree Program expenditures
5. Street tree inventory data
6. DOT staff regarding OCF as a competitor rather than a partner
7. Historical/comparison data charts for annual CSJ urban forestry dollars spent

### J. *Private Tree Planting Opportunities to Increase Canopy Cover*

1. Page 4 - Data missing regarding where planting opportunities exist on private land which comprises the majority of the urban forest.

## III. **Misleading Use of Data**

### A. *Inappropriate comparisons to other cities*

1. Pg. 30, Table 23:

- a. Many confounding variables are present in the current dataset. Readers cannot reasonably be expected to extrapolate correlations between community forest management practices and funding received without taking into consideration the context of specific variables that heavily influence these relationships, such as population size, funding priorities (e.g.g hotter climate zones), demographics, previous funding, etc. This flaw in the draft could be remedied by providing the reader with contrasting evidence or evidence of a broader scope.

### B. *Other*

- a. Page xi- How is time accounted for in the statistic that 40,000 trees are needed to recover 1% of lost canopy?
- b. Bottom of pg. 13 and top of pg. 14: Why are health and structure equated? These are two different things that both contribute to risk but should be approached differently

## IV. **Assumptions and Conclusions**

### *Imbalanced perspective regarding option for City to take on tree maintenance*

- A. Page 22- In place of specific recommendations, the draft reports the responses to a survey with a problematically low sample size. Conclusions are drawn that do not

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## **IV. Assumptions and Conclusions, continued**

promote further action on the part of the City. To say that the results indicate that respondents “could potentially support a hybrid City/private property owner management model” seems to be pulled from the 35.36% of respondents who indicated that they would prefer a hybrid of responsibility, while the majority (60.28%) were in favor of the City taking full responsibility.

B. Page 23- This discussion misses the opportunity to address this difficult financial challenge head-on and to leverage the CFMP toward new solutions such as S.F.’s Proposition E that was approved by voters after being supported in their Plan.

C. The CFMP mentions the idea of having the City fund maintenance of newly planted trees if residents pay for the planting - is this establishment care or long-term care? Would this cover sidewalk repairs? For newly planted trees in residential neighborhoods, the Our City Forest stewardship model is a proven and sustainable alternative to truck watering.

D. On page 35, it is suggested to the reader that this shift of responsibility would be cumbersome and expensive for CSJ. The reader is further dissuaded with the example of how Los Angeles is experiencing costly settlements because of street tree responsibilities. A more balanced perspective could be achieved by including reference to the many examples of positive feedback provided by the thousands of street tree stewards recruited and supported by Our City Forest for 3 years after planting. Recommend that the CFMP include an analysis showing the financial savings to the City for this cost-effective tree establishment stewardship program.

E. Top of pg. 17: Large canopy trees should be planted wherever there is room due to increased environmental, health, and economic benefits.

F. Pg. 45: Are all eucalyptus species deemed unsuitable? All Pine?

G. Page 6, Table 1: What is included in “functional” services that trees perform? Why is this number so low compared to Structural Value and Carbon Storage?

H. Page 10, Table 7: Is Total Canopy supposed to be the Total Number of Trees? Also, why are 22.75 ft squared size trees used here?

I. Page 15: Agrifolia has a relatively low RPI because there are so many older specimens, because they predate most development.

J. Page 16, Table 13: Why are Chinese Pistache considered small trees?

*Thank you for the opportunity to comment on the first Draft CFMP.*