

September 26, 2021

***“Adults keep saying, ‘We owe it to the young people to give them hope’ But I don’t want your hope. I don’t want you to be hopeful. I want you to panic. I want you to feel the fear I feel every day. And then I want you to act...I want you to act as if your house is on fire. Because it is.”
Greta Thunberg***

Dear Members of the Planning Commission,

Because the data on the 52-54 Fremont project has been studied and responded to with repeated findings that say “No significant impact”, I would like to write to you from a very different point of view; an environmental and ethical point of view, regarding the very significant impact that would be caused by the loss of the 9 redwood trees on the land.

“How do you become a beloved ancestor?” I ask you now the question Joanna Macy* asks of us.

We are looking into a very different future than most would have imagined 30 years ago. And we now recognize too late that the century-long disregard of Mother Earth has caught up with us, bringing us to the brink of Climate Disaster and Chaos. So knowing this, where you draw a line in the sand? Because what you decide matters. It matters to the trees. It matters to the animals, birds and insects that live in and on the trees. It matters to our neighborhood. It matters to our city. It matters to our planet. And most of all it matters to our children and our future generations.

The time is now (it actually was a long time ago, but now we cannot put it off any longer) we have to do the right thing every time a significant decision comes up.

The redwood is the king of trees. We are so blessed to live here where they grow. The 9 beautiful, mature, healthy and beloved Redwood trees have a Right To Life, this has been declared by International Law*. These trees are older than any of you (or me at 71). They are around 90 feet or more tall and have circumferences of between 60” to well over 120”. There is a network of roots that all of those redwoods share that stabilizes them as a whole family unit and the hill that they live on. You allow some of those redwoods to be cut down and you destroy the network for the remaining ones and you destroy the hillside’s integrity as well.

How can San Rafael justify calling itself a Tree City, when it would consider cutting down 9 healthy, mature Redwood trees? What a paradox, that San Rafael prides itself because it just planted 100 new, young trees and then it would even consider cutting down these 9 elder redwoods. Why is this even being discussed? It should be a no-brainer! City officials should be saying “No, we would never let anyone cut down 9 healthy, mature redwood trees in our city!” These trees are on the county list of Protected and Heritage trees, why are they not on a list for San Rafael?

I started a petition on Change.org called "Save Our Neighborhood Redwoods".

<https://www.change.org/p/city-of-san-rafael-help-save-our-neighborhood-redwoods>

I have over 400 signatures, so far. I have about 120 signatures from San Rafael residents, 85 from Marinites, 35 from people in California, 44 from around the US and the rest from people in Ireland, Luxembourg, UK, Belgium, France, Germany, Spain, Switzerland, Hungary, Netherlands, Finland, Italy, Poland, Austria, Croatia, Brazil, Argentina, Chile, Mexico, Canada, Australia, New Zealand, Malaysia and Indonesia. Locally and all around the world people are concerned and watching to see what San Rafael is going to decide about these redwood trees.

So I ask you ... "Imagine the most perfect tree on Earth: one that outdoes all others in magnificence, size, height, productivity, architecture and ability to draw thousands of gallons of water, yet marvelously resists drought, fire, insects, disease, mudslides, flooding and wind; and it possesses exquisite biodiversity in its crown. Then, and only then, as naturalist and Sierra Club Founder John Muir put it, you'd know the "Kings of the forest, the noblest of a noble race"- the immortal Sequoia sempervirens, otherwise known as the coast redwood." Dr Reese Halter

These majestic giants benefit the whole web of life. "They help mitigate Climate Disaster. Studies show that coast redwoods capture more carbon dioxide (CO₂) from our cars, trucks, and power plants than any other tree on Earth. A typical tree will sequester about 1 ton of carbon in its lifetime. A coast redwood will sequester 250 tons of carbon. Just one coast redwood has the ability to absorb as much carbon as 250 "regular" trees. When redwoods are cut down, burned, or degraded by human actions, they release much of their stored carbon back into the atmosphere. And, they can no longer transform CO₂ into the oxygen we breathe. This is a double-whammy for the growing imbalance in the world's carbon cycle and the climate's stability."

So between the latest IPCC's alarming warning on the state of our planet, The City of San Rafael's Climate Emergency Declaration and the Sustainability Action Plan, I ask you, why are we even considering cutting down these 9 beautiful, healthy, mature and beloved Redwood trees?

From the film "Kiss The Earth"... "We are all in this together. Every action that we take affects every other action like a ripple in a pond. So what decision are you going to make that will make a positive impact on this beautiful planet so that our grand children, the seven generations in the future can actually go up and hug a redwood tree...And what is it that we can do so that our children can flourish in the abundance that we have created by our decisions?"

* Joanna Macy Ph.D, author & teacher, is a scholar of Buddhism, systems thinking and deep ecology.
<https://www.joannamacy.net/main>

* info@CenterForEnvironmentalRights.org
<https://www.therightsofnature.org/what-is-rights-of-nature/>

Other reasons not to approve the 52-54 Fremont project:

1. It seems clear the residents of the neighborhood do not want the trees cut down nor the oversized home built in a very difficult, questionable and potentially dangerous area. There are a myriad number of reasons a home in that place is totally inappropriate.
2. Residents and deliveries for residents would be impeded for more than a year or two, going up and coming down Marquard Ave. Work, school, groceries, errands and service and deliveries etc are typically done between 7am-6pm, the times when construction would be happening.
3. There would be no place to park construction vehicles when not in use. It would be completely inappropriate for them to park or leave their vehicles overnight or over Sundays in the only area where we residents need to park daily.
4. The proposed driveway on that part of Marquard Ave is on a hill, on a single lane road with a blind curve, with no sidewalks. When cars are passing, one of them needs to pull into a driveway for the other to pass. This is a very dangerous place to put a driveway.

However, I do want to emphasize that my major objection to this project is in regards to cutting down the 9 beautiful, healthy, mature and beloved redwood trees. I want them to be protected no matter what decision you make about the project.

Thank you for your time and consideration,

Susan Bradford, Marquard Ave, San Rafael

*“They took all the trees
And put them in a tree museum
And they charged all the people
a dollar and a half just to see ‘em
Don’t it always seem to go
that you don’t know what you’ve got
till it’s gone
They paved paradise
And put up a parking lot.”*

Big Yellow Taxi by Joni Mitchell 1970





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July 30, 2021

Honorable Mayor Kate Colin and City Council members
City of San Rafael

1400 Fifth Ave. Room 203

San Rafael, CA 94901

via email: barry.miller@cityofsanrafael.org and lindsay.lara@cityofsanrafael.org

RE: City Council consideration of the adequacy of the General Plan 2040 at the August 2, 2021, meeting

Honorable Mayor Kate Colin and City Council members:

The Marin Group Sierra Club, representing nearly 6000 members, strongly urges you to adopt a more ecologically based tree replacement policy and update the City's Tree Ordinance to address the preservation and maintenance of *all* trees within the City in accord with its designation as a "Tree City USA." While city trees have some protection, trees on private lands do not, which is neither in line with the city's Climate Change Action Plan nor the grim reality of Climate Change. Both the Tree Replacement Policy and the city's Tree Ordinance deserve improvement in order to be in line with the language of the 2040 General Plan and to meet the Climate Emergency challenges we are facing.

1. Tree Conservation/Tree Ordinance

The City of San Rafael website lists the many economic, environmental, social and public health benefits from trees¹. Healthy cities have healthy tree canopies and San Rafael has been designated Tree City USA² by the National Arbor Day Foundation in cooperation with the USDA Forest Service Urban and Community Forestry Program and the National Association of State Foresters.

To maintain this designation, *four standards must be met* that provide a systematic, continuous tree care program. Standard 2 requires a Tree Care Ordinance that reflects the values of the community. The City of San Rafael needs to prioritize the adoption of a comprehensive tree ordinance to maintain their Tree City USA designation, comply with other City environmental policies and programs, and reflect the values of the community.

¹ <https://www.cityofsanrafael.org/tree-city>

² <https://www.arborday.org/programs/treecityusa/treecities.cfm?chosenstate=California>



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Reference: *General Plan 2040, Conservation and Climate Change Element:*

Program C-1.17A: Tree Preservation. *Revise Chapter 11.12 of the Municipal Code (Trees) or add a new Code section that defines protected and heritage trees and establishes permit requirements and procedures for tree protection, removal, and replacement. The regulations should strongly support the protection of California redwoods (Sequoia sempervirens) and other native trees.*

We urge you to address the care of **all trees, publicly and privately owned**, in San Rafael by revising SRMC, Chapter 11.12 TREES. We specifically request that you revise the City's tree ordinance to be in line with the language in Program C-1.17A to define protected and heritage trees, establishing strict permit requirements and procedures for tree removal and protection. **We further ask that you define the official State Tree of California, the California Redwood (*Sequoia sempervirens*) as a protected species.** Redwoods are currently NOT a protected species, which should come as a surprise to us all. These trees, like other native trees, provide significant food and habitat for native wildlife and are adapted to this area. Redwood trees are naturally **fireproof**, cooling and shading the ground under them, and grow in groves that are restorative areas for people (see the practice of Forest Bathing)³. It is also worth noting that even non-native Eucalyptus, when mature in the landscape, functions in an ecological fashion, as witness the honeybees on the flowers, the monarch butterflies that roost in them, birds that nest there and the water they filter into the ground gathered by their leaves from fog banks. Protection of mature trees that are doing ecosystem services work requires our attention and protection.

2. Tree Replacement Policy

Current policy requires replacing every tree removed for new development with 3 new trees. Frequently this policy is not complied with and the advantages of keeping existing mature trees for carbon sequestration and other benefits are lost. This simple numeric formula also painfully ignores the multiple ecological functions a mature tree gives the landscape, as well as the *significant* water requirements and additional care a new tree takes to become established. Now and into the future, these new trees will generally have a harder time becoming established given the nature of Climate Chaos with rising temperatures and lessening rainfall.

³ <https://marinefm.org/event-4346962> and <https://www.thingstodomarin.com/main/2018/11/26/immerse-in-the-redwoods-forest-bathing-is-all-the-rage>



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It makes little ecological sense to presume that three saplings will make up for removal of a giant of the forest; a mother tree that protects soil and water; naturally sequesters and filters water which helps prevent fires, floods and drought; shades the land reducing the effects of climate change; sequesters massive amounts of carbon; infiltrates and stores rainwater deeply into the ground; and feeds wildlife. This numerical way of thinking is like replacing your parents with a broom because they sweep the floor, while ignoring all the other benefits and work they do for you. We can no longer allow this false narrative and inadequate numerical replacement ratio process to continue. A simple tree replacement policy of a 3:1 ratio does not restore ecological integrity or replace the environmental functioning that a large, established, native tree provides. Only when those new trees are 30 years old will they even begin to approach the habitat and ecological usefulness of a currently thriving well-established native tree.

If a native tree must be removed, ***the equivalent ecological function of that tree needs to be replaced***. That should be measured on a biomass biometric, not a simple numeric one, such that the amount of tree bulk that is removed is replaced by additional trees onsite or nearby. A skilled arborist or ecological biologist could calculate these metrics. It might be as simple as a 32-inch diameter oak needing to be replaced by 32 trees; or the ratio might be higher, based on a tree's significant limbs in number, length, and girth. This change in code would begin to address both the loss in native tree habitat due to past urban and suburban development, as well as to help protect future native trees by giving pause to careless or environmentally ignorant architects and owners who buy into a site with beautiful trees and then proceed to cut them down for home sites, home expansions or views, without understanding the multiple benefits those trees are providing them.

We urge you to revise the code to be in line with the City's commitment to strong environmental and climate change policies by adopting ecologically sound principles that consider the ecosystem services rendered by large, sound, mature trees in an undeveloped landscape. Every effort should be made to keep large, mature native trees rather than mitigate their removal. The language in the General Plan 2040 addresses this in general. Below we add more specific points for Municipal Code language adoption.

Reference: General Plan 2040, Conservation and Climate Change Element:

Program C-1.17C: Mitigation for Tree Removal.

Continue to implement mitigation requirements for tree removal in new development. When necessary, this could include planting of trees in locations other than the project site, planting native trees in lieu of non-natives, or reducing



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the footprint of proposed development. Tree replacement should be based on a value that is equal to or greater than the carbon footprint and ecological benefits of the trees being removed. Ecological benefits include water conservation, absorption of runoff, reduction of air pollution, energy reduction from shade and cooling effects, soil retention, slope stabilization, and wildlife support.

We encourage a thorough review of the total effects of tree removal, including:

- The topography of the surrounding land and the effects of tree removal on soil stability, erosion, and increased runoff;
- The potential for removal of a protected or heritage tree to cause a significant adverse effect on wildlife species listed as threatened or endangered by State or Federal resource agencies in compliance with the California Environmental Quality Act (CEQA);
- Whether there are alternatives that would allow for the preservation of the tree(s), such as relocating proposed improvements, use of retaining walls, use of pier and grade beam foundations, paving with a permeable substance, the use of tree care practices, etc.
- Consideration of the substantial impacts of the removal of trees to create additional impervious infrastructure on winter (flooding) and summer (drought) creek flows, the surrounding trees and habitat health, the protection of the creeks and the surrounding vegetation in riparian/watershed areas to stay productive as habitat and to be fire safe.
- Trees act to infiltrate groundwater, helping the soil stay cool and drought proof, reducing downstream flooding and erosion, and feeding the creek and downstream vegetation through the summer months. This water capture for groundwater replenishment, which trees do for free as they organically adapt to changing conditions, helps to protect both the property where the tree is sited and neighboring properties from the threat of drought, erosion, and fire.
- The ethnobotanical value of native trees is also needing to be addressed, as part of Native American heritage in this landscape.
- When homeowners request tree removal for fire safety, the tree(s) in question should be checked to see whether limbing up or other protective measures would solve the perceived problem and preserve the tree. Home hardening is known to be of greater importance than vegetation or tree removal, especially when the tree is healthy and green. Photos of homes burned to the ground in fires while nearby trees are still standing and slightly scorched might be helpful to educate fire concerned residents. See attachment.



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The language of the 2040 General Plan lays out good guidance for Ordinance language and Municipal Code changes. Please make these changes a priority to protect and preserve our native trees and keep San Rafael as a “Tree City USA.”

Thank you for your consideration,

Jinesse Reynolds
Chair, Sierra Club Marin Group

cc: *Cory Bytof, Sustainability Program Manager, cory.bytof@cityofsanrafael.org*



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Attachment: Are Trees the real problem in a fire?



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When you look at these photos, what do you notice????

Trees are still standing, some still with their needles and leaves—but nearly all the structures have burned to the ground!

Your home is the largest source of dead fuel on your property. Fire prevention starts with the home hardening first before vegetation management. Free your roof of dead leaves and debris. Clean out gutters. Cover vents with fire-preventing screens. Make sure there are no gaps where an ember can get in and start a house fire. **Trees help in fire prevention by promoting cooler temperatures, helping the soil retain water, and perhaps mitigating winds and drifting embers.**

Riparian areas are cool, safe havens for wildlife and people year-round. Trees in riparian areas (ephemeral, intermittent or perennial creek areas) should NEVER be cut! This is even more important on slopes to prevent winter soil erosion.



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

September 28, 2021

Planning Commission
C/o Community Development Department
City of San Rafael
Fifth Street
San Rafael, CA 94901

RE: Comments on 52/54 Fremont Street

ATT: David Hogan, Contract Planner
Alicia Guidice, Planner

Dear Commissioners:

The Marin Audubon Society (MAS) appreciates the opportunity to comment on this project located on the border of a buffer area of a known, but not used last year, Northern Spotted Owl (NSO) nest site. Our comments address Biological Resources section of the Final Initial Study and the Biological Assessment. While the preferred environmental project would be one that reduces the project so that the sensitive redwood trees would be protected, we submit recommendations for conditions to be included in any permit that is issued.

For the last several years, MAS has provided information packets to residents whose houses are within one-quarter mile of an NSO nest. We have attached a fact sheet that we send as part of our information packet.

1. We address some issues with the NSO Assessment letter: points that are missing, poorly informed or inaccurate. and objective assessment of the conditions

- Surprisingly the status of NSO is not stated in the letter. The species is listed as a threatened species under both the federal and state Endangered Species Acts. Under these classifications the NSO are afforded the same protections as endangered species.

- The Assessment fails to recognize that in Marin County NSO habitat is not restricted to old growth or mature forests. In Marin, nests are found in use moderate growth foresting for nesting resting and foraging and NSO nests are found close to and in some cases, within, residential neighborhoods.

- Also not mentioned is that Coast Redwoods are identified as a sensitive species in California.

- The guidance document for Auditory and Visual Disturbance in the reference list was updated in 2011. The most recent version should be the reference.

- The qualifications and experience of Assessment author should be included in the document.

- The approach of the Assessment is to minimize the value of the site as habitat, undoubtedly to promote the site for the proposed development. The site is described as lacking understory and therefore poor foraging habitat, surrounded by development, having minimal trees, whereas removal of the 14 trees is described as "necessary." The only reason it is necessary is because the applicant does not want to revise the development plan. No data is presented to support the claim that lands with cleared understory are poor foraging areas. As a matter of fact, some environmental documents claim clearing understory vegetation and debris improves hunting.

2. Our recommendations for conditions to be required in any project approvals:

- Surveys should be done for NSO nests and presence according to federal protocol.

- Any tree removal should be done in non-nesting season.

- Reduce the amount of tree loss. 14 trees is a large number of trees to be removed for any one project. The value of trees, redwoods in particular, is widely recognized including habitat, climate moderation, aesthetics, and carbon sequestration. Some studies have revealed that redwood trees perform the highest at sequestering carbon.

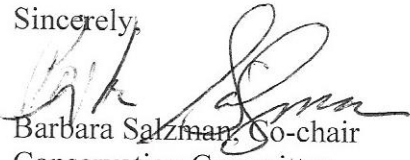
- Mitigation for any trees removed should be provided of 3 replacement for each single tree removed. This recognizes that young trees do not provide the value and complexity as older trees. Trees should be planted on-site or at a nearby location near other redwood trees to create a contiguous habitat. This would ensure wildlife that use the existing trees benefit from replacement. Mitigation trees should be maintained for at least five years, protected in perpetuity, and replaced if they do not survive in the first five or more years.

- In lieu fees should not be permitted as mitigation because in many instances the funds are never used and the resource is lost without replacement. In lieu payment should not be allowed unless the location for planting is identified and it is certain the amount paid would cover costs of the trees, monitoring, maintenance and replacement required if planted trees do not survive.

- Monitoring reports documenting the survival and health of the mitigation trees should be submitted annually and be available to the interested public.

Thank you for considering our input.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee