



**DATE:** July 17, 2018

**TO:** Mayor and City Council

**FROM:** Director of Development Services

**SUBJECT** Informational Report on Pacific Gas & Electric's Community Pipeline Safety Initiative Project

### **RECOMMENDATION**

That the City Council reviews the informational report regarding Pacific Gas & Electric's (PG&E) Community Pipeline Safety Initiative (CPSI) Project.

### **SUMMARY**

This report provides information regarding the tree removals associated with PG&E's CPSI project to improve the safety of its underground gas pipeline system and proposed mitigation in the public right-of-way, at the Skywest Golf Course and within private properties.

### **BACKGROUND**

PG&E is implementing its CPSI project throughout the region to improve safety associated with its underground gas pipeline system. This effort includes removal of trees in Hayward that pose safety concerns to pipelines in the event of an emergency at various locations in the public right-of-way, at the Skywest Golf Course, and on private properties.

Originally, PG&E identified a total of 911 trees and 442 brush units in Hayward as high risk because of their proximity to gas pipelines. Through staff collaboration, PG&E reduced this number to 260 trees: 67 trees in the public right-of-way, 151 trees at the Skywest Golf Course on City-owned property, and 42 trees on private property. On September 12, 2016, staff informed the Council Sustainability Committee of the scope and impact of PG&E's project and proposed tree removals. Committee members made the following observations:

- Hayward is a Tree City USA, and staff should ensure that the actions taken by PG&E do not jeopardize the City's designation;
- Removal of trees at the Skywest Golf Course will have an impact on patrons and the surrounding neighborhood;
- Staff should require "mitigation due to the effects that tree removal will have on noise impacts and air quality near the airport."

As directed by the Committee, staff requested PG&E to further investigate high risk trees and propose mitigation measures commensurate with the loss of mature trees.

Since July 2017, PG&E has conducted additional investigation for trees identified as high risk and reduced the total number of trees for removal from 260 to 196 trees: 13 trees in the public right-of-way, 151 trees at Skywest Golf Course, and 32 trees on private property. Additionally, at the request of the City, PG&E agreed to remove an additional 8 trees from the public right-of-way that are considered a “manageable” risk and 1 tree in poor health from a private property, for a total of 205 trees proposed for removal.

A webpage has been created to post information regarding the Community Pipeline Safety Initiative project on the City’s website and will be updated with this informational report to City Council at <https://www.hayward-ca.gov/content/pge-community-pipeline-safety-initiative>.

## **DISCUSSION**

City and HARD staff have developed a preliminary agreement for mitigation associated with the removal of trees in the public right-of-way and at the Skywest Golf Course. The proposed agreement consists of: planting 39 replacement trees; payment of \$217,085.07 in tree removal mitigation fees; and payment of \$72,150 in maintenance fees for the replacement trees. Replacement trees proposed in the public right-of-way will be watered via trucks for the first three years.

The areas where trees are proposed for removal offer varying degrees of opportunity for tree replacement, depending on physical space available away from the gas lines.

The following sections describe the proposed work and potential mitigation measures.

### *Tree Removals in Public Right-of-Way*

1. A total of 13 trees are identified as high risk for removal;
2. Additional removal of 8 trees that are poorly performing and classified by PG&E as “manageable risk” trees;
3. Replacement tree plantings within public right-of-way with 36”-box trees where possible;
4. Concentrated comprehensive planting restoration above and beyond tree replacement is proposed along West Winton Avenue and at the Ruus Triangle (Attachment V);
5. One-time mitigation payment of \$88,587.75 for the loss of 5 irreplaceable mature London Plane trees along West Winton Avenue (Attachment II - Area 1), 1 mature Redwood tree along Eden Park Place (Attachment II - Area 2) and 2 mature Redwood trees along the north side of A Street at the Meekland Avenue overpass (Attachment II - Area 5); the values for which were determined by the City Landscape Architect; and

6. One-time newly planted tree maintenance cost compensation of \$1,850 for each replacement tree: 18 trees, for a total of \$33,300.

### Tree removal at Skywest Golf Course

City staff coordinated communication between HARD and PG&E regarding the trees on Skywest Golf Course. 151 trees proposed for removal at the western property line that stretches approximately 2,300 feet are Eucalyptus trees and they are not regulated in accordance with the City's Tree Preservation Ordinance but are regulated administratively by HARD as stated in the 1963 lease agreement for the golf course.

Most of the Eucalyptus trees are in fair to poor health, dead or dying. However, due to the significant visual impact of these Eucalyptus trees, an arborist report (Attachment IV) was prepared to evaluate tree health and growing conditions when planting replacement trees close together to mitigate the visual impact. It is important to point out that the 151 trees are in a single row at the western property line and there are additional rows of trees that would continue to provide a visual barrier. An agreement has been reached for tree removal and replacement that reflects the specific needs of the golf course, with a focus on drying out the wet grounds, opening views and updating the layout of the golf course. There may be unavoidable additional tree removal to accommodate the tree removal activity for access and safety. The number of additional trees required for removal and the mitigation for the additional tree removal will be addressed prior to any required approvals by the City and HARD. On May 8, 2017, the tree mitigation plan was presented to and accepted by the HARD Board. The plan consists of:

1. A total of 21 replacement trees with HARD-selected tree species and sizes, at specified locations (see Attachment V – Area 6);
2. Irrigation for new trees to be connected to existing golf course irrigation system;
3. One-time mitigation payment of \$128,497.32 for the loss of 151 trees, the values for which were determined by the City's Landscape Architect; and
4. One-time maintenance cost compensation of \$1,850 for each replaced tree to cover three years of watering, two years of pruning and one-time tree replacement, with a total valuation of \$38,850.

### Tree Removals on Private Properties

Staff sent out initial notices in August 2016 to potentially affected private property owners to explain the project and inform them that PG&E would request access to their properties to perform an assessment. PG&E performed initial aerial surveys for 212 potential risk trees and identified 33 trees for removal from 16 different properties. Of the 33 trees, 19 will be removed from 3 properties which will require an individual mitigation plan and a tree removal permit. Alternative restoration such as fencing will be proposed where replacement planting is not feasible due to available planting space (Attachment VI). When fencing would be considered, a mural would be executed on the side of the fence exposed to public viewing. PG&E agreed to pay for all expenses associated with executing the mural. PG&E has agreed to obtain an approval for tree mitigation from the remaining 13 private property owners prior to

obtaining a tree removal permit from the City. In addition to mitigation, PG&E has agreed to pay to the property owners a one-time tree establishment maintenance cost compensation of \$600 for each replacement tree planted to cover the costs to maintain and replace tree(s) that may die.

### Environmental Review

There are approximately 38,000 trees, on both public and private property, that exist in the City of Hayward, and the 205-tree removal represents approximately 0.5% of the total trees in Hayward. Among the 205 trees for removal, 21 trees are in the public right-of-way, 151 trees are at Skywest Golf Course and 33 trees are on private property. The removed trees consist of approximately 32 trees that are dead (16%), 59 trees that are in declining condition (29%), 49 trees in fair condition (24%) and 65 trees that are good condition (31%).

Among the 205 trees proposed to be removed, 54 trees are identified as “protected” pursuant to the City’s Tree Preservation and Street Tree Ordinances due to their species, maturity, and/or health. The removal of these 54 trees requires a permit from the City. A tree removal permit will be issued for the public right-of-way work which consists of removing 21 trees at 5 different locations. In addition, 16 individual tree removal permits will be issued to individual private property owners. As proposed, these removals are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304, Class 4 of the CEQA Guidelines for minor alterations to land in which the project will not involve the removal of healthy, mature, scenic trees as verified by the arborist report. In addition, the trees to be removed that are classified as “protected” will be mitigated in accordance to the appraised value per Chapter 10, Article 15 of the Hayward Municipal Code to reduce any potential environmental impact to be less than significant.

The remaining 151 trees, approximately 74% of the total tree removal, are located at the Skywest Golf Course and are not classified as “protected” because they are non-native and do not meet the specific criteria for preservation in the City ordinance. Under the City’s Lease with HARD, the specific trees identified for removal are the responsibility of HARD during the term of the Lease. Accordingly, the removal of the trees does not require the City’s approval in its regulatory capacity and hence, does not require the City to conduct any further environmental review.

Also, as noted above, the row of 151 trees located at the western property line is one of the multiple rows of trees just east of the 151 trees; that is, removal of such trees would pose a negligible environmental impact. Additionally, as previously discussed, the arborist report (Attachment IV) assessed the health of the trees and the growing environment and determined that most of the trees were in fair health but not suitable for preservation due to the growing conditions with high water table and high salinity content in the soil. Again, among the 151 trees, 31 are dead (21%); 48 are in poor condition (32%); 15 are in fair but in declining condition (10%); and 57 are in fair to good health (37%). Moreover, the City and HARD plan to utilize the mitigation payment of \$217,085.07 for planting new trees in the public right-of-way and at Skywest Golf Course.

## **FISCAL IMPACT**

There is no fiscal impact to the City or the General Fund related to this item. PG&E has provided a \$35,000 deposit for this work, which staff has been charging for time spent completing related work. In addition to one-time mitigation payment of \$217,085, PG&E will also contribute a one-time maintenance payment of \$72,150 for replacement trees. The cost of tree removals and all necessary tree removal permits will be borne by PG&E.

## **STRATEGIC INITIATIVES**

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

## **PUBLIC CONTACT**

Ongoing discussions between City staff, PG&E and HARD have occurred related to proposed tree removal at Skywest Golf Course and for the trees in City Right-of-Way. As mentioned previously, in 2016, staff sent out notices to private property owners letting them know about the project and that their properties would be impacted. PG&E will also conduct additional outreach in advance of completing any of the tree removal.

## **NEXT STEPS**

PG&E will submit a letter of commitment to the City that all removed trees in the public right-of-way and at Skywest Golf Course will be replaced with trees and enhanced planting and that PG&E will pay a one-time mitigation payment of \$289,235.07, including the establishment maintenance cost for the replacement trees, prior to issuance of the first tree removal permit. PG&E will obtain tree removal permit from the City prior to commencement of scheduled tree removal work on July 16, 2018.

*Prepared by:* Michelle Koo, Landscape Architect

*Recommended by:* Laura Simpson, Director of Development Services

Approved by:



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Kelly McAdoo, City Manager