

Commission members,

Thank you for the opportunity to submit testimony regarding the 101-103 Annapolis Street redevelopment project.

As a refresher of my background, I am a Qualified Professional certified by the Department of Natural Resources to prepare and review Forest Conservation Act reports, such as the Forest Stand Delineation and Forest Conservation Plan. I prepared such reports, which included assessing the health of specimen trees, for 5 years as an Environmental Scientist, and then went on to review such documents when I worked as the Environmental Compliance Inspector with the City.

While I am not the Alderperson for this Ward, I feel compelled to submit testimony after reviewing the development proposal in the interest of protecting the resources and public benefits we have passed laws to protect. As a former reviewer, I can understand and appreciate the perpetual struggle between protecting public and environmental resources with the needs and desires of the developer. As you are well aware, I've been a long advocate of trying to equalize the scales to ensure our environmental resources are given just consideration.

My primary concern with this development proposal is in regard to the proposed removal of the two specimen trees along Annapolis street: the 42" Chestnut Oak and the 36" Pin Oak (Ivy covered). **To summarize my entire testimony, I would ask that the Planning Commission send this design back to staff and the developer to have them adjust it to protect these trees.** If the developer were to construct the buildings at the existing setback of the building closest to the corner (rather than moving the setback closer to the street than the existing buildings), or even to pull it back a foot from the existing setback, this should give them enough space to limit their excavations to the existing footprint of the building, thereby minimizing the impact to the existing tree's critical root zone. This would especially help the ivy-covered tree. The other tree in front of the residential structure is located on the property line, so only a quarter of its critical root zone would be impacted, and this also could be reduced by simply adjusting the building (do they need to build right at property line on the west side?). They have ample space considering the relatively large parking lot.

I understand we often have competing code requirements, and in this case parking was referred to by the developer in their presentation as one such example. But in my view the tree protection code should be given equal weight to the other requirements. If moving the building setback back from what is proposed provides difficulty in meeting the parking requirements, the developer can always submit for a variance to that section of our parking code. That is why we have such procedures. But to ignore that option at the cost of code-protected trees just doesn't seem like a reasonable compromise.

We have three sections of code governing trees. The first is Chapter 22 that contains the Forest Conservation Act protections, which do not apply to this site. The other two are Chapters 17.09 (tree protection during construction) and 14.12 (protection of public trees - near public right-of-ways), which both apply, and both similarly contain provisions allowing for these trees to be protected. Chapter 14.12.090 says that *"The department may...protect trees and shrubs on or adjacent to all public areas as may be necessary to ensure safety or preserve the symmetry and beauty of the grounds."* Chapter 17.09.030 states that *"In determining which trees shall be preserved in the development process, consideration shall be given to preserving those which...are recommended for preservation by the*

*Department of Planning and Zoning for some other reason demonstrated to be in furtherance of the purposes of this chapter...”.*

I know the health of the trees have been brought into question. The concerns about ivy can be easily mitigated/removed, and the pruning, while not ideal, has not weakened the structure of the trees. If they were imbalanced and at risk of falling you'd see the roots start to pop up, yet I've seen no indication of this occurring. Regarding the blight they were worried about, it's important to take a look at the developer's own photographs of these trees during full leafing; you'll see they have fully leaved canopies.



If they were stressed you'd see patchy coverage and also yellowed leaves, but you don't see that. I also didn't see any decay around the trunk area. What that tells me is that this blight, if present, is being successfully fought off by the trees in question. My point is that these health concerns seem to be successfully managed by the trees themselves or can easily be addressed via some rehabilitation (i.e. ivy removal).

If their current health indicates thriving trees that have not been compromised, which I'd argue all signs indicate, the follow-up question would be if there are concerns about survivability given the proposed footprint of these buildings. This is the more difficult question to address. I think both the City arborist and developer arborist's opinions are important to take into consideration that these trees are typically sensitive to root disturbance, and that the current proposal would impact their existing critical root zones. However, I feel it's important to consider that the proposed impacts to the critical root zones would still leave over 50% of these zones, and even over 75% for the western tree, intact and not impacted. These percentages can be increased, and thus increasing the survivability of these trees, by altering the design. Look at the picture below where I penciled in red the areas of their critical root zone



construction. But given their current health, they seem strong enough to survive a certain amount of impact to their root zones.

Besides my concern about these two individual trees, I worry about the precedent their removal may set for the rest of the redevelopment planned for this street. If all the other redevelopment along this street is allowed to build closer to the street and reduce their setbacks, similar to this project, does that mean we will lose more of our street tree canopy on Annapolis Street? This is why I feel this project, moving beyond the particulars of these two trees, is important to get right.

In conclusion, I ask that you seek compromise, because currently I don't see any on this issue. They are proposing to modify the site to fit their design, rather than seeking to modify their design to fit the site and its environmental features. Again, no trees are being protected. A new tree takes decades to catch up to these 80 year+ trees they are seeking to remove. Initial reports from the City's newest tree canopy study indicates our tree canopy may have shrunk over the last decade. We need to protect these trees. I hope that I have shown that there are options to ensure their survival and protection.

Sincerely,

Rob Savidge

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