

criteria for invasive trees (Attachment), passed unanimously (9-0-1; Sammut-Johnson absent).

ACTION: Motion and second (Martineau/K. LeMieux) to recommend to the City Council the preferred option for criteria for filing an appeal with a modification to exclude community members ability to appeal under tree removal decision making criteria No. 1 (risk of the tree), passed (6-3-1; Cole, Nash, Ordonez opposed, Sammut-Johnson absent).

ACTION: Motion and second (Cole/T. LeMieux) to modify the preferred Heritage Tree Board option to explore a board makeup of five (5) members from established commissions, excluding Planning Commission, to populate the Heritage Tree Board (Attachment A in June 12 staff report), passed unanimously (9-0-1; Sammut-Johnson absent).

ACTION: Motion and second (Cole/Nash) to recommend to the City Council the preferred option for the heritage tree appeal process related to Planning Commission decisions, which would require the appeal period for heritage trees to occur before Planning Commission makes a decision on a project that involves heritage tree removal(s), passed unanimously (9-0-1; Sammut-Johnson absent).

D. Reports and Announcements

D1. Staff update and announcements

Sustainability Manager Rebecca Lucky introduced the item.

D2. Next Agenda

Sustainability Manager Rebecca Lucky introduced the item.

E. Adjournment

Vice Chair Cole adjourned the meeting at 9:25 p.m.

Candise Almendral, Project Contractor

June 11, 2019

Kim Lemieux
Heritage Tree Task Committee
City of Menlo Park

Dear Kim:

Thanks for taking the time to speak with me. I appreciate the opportunity to voice our experience as a homeowner of property (10,000 sq ft lot) in Menlo Park that contains 4 large redwood trees. We purchased our home over 15 years ago with the existing redwood trees and have been blindsided by the impact these trees have had on our house structure, foundation, drainage, hardscaping and landscaping. I will explain the negative impact that these invasive massive trees have had on our very small lot.

The problems these trees cause really affect our ability to enjoy and use our property as compared to our neighbors who do not have redwood trees. The four trees have consistently required an exorbitant amount of time and money just cleaning and removing the leaves and branches that drop year round. Unlike other trees leaves, the leaves that drop they are sharp and painful for people and animals to walk on. My husband is on the roof weekly blowing off and clearing the gutters during the winter months. At some point this will be a hardship as we age and will need to hire someone to do this on a weekly basis. The leaves also cause damage to our cars paint jobs with the brownish stain they leave as well as sap that drips at times throughout the year that must be removed with rubbing compound.

Our house is a concrete slab foundation and we have had numerous plumbing issues with pipes being broken within the slab as a result of invasive redwood roots. As a result, we have incurred costly repairs that have required extensive jackhammering, excavation and concrete replacement to expose the damage and perform the repairs. Additionally, the trees prolific fibrous roots are continually entering our sewer pipes and we incur plumbing bills to chop up the roots 2-3 times a year. The sewer back up that they cause seem to be at the most inopportune times. Last year it was Christmas night with 15 coming to dinner. I spent 2 hours cleaning up sewer water from overflowed toilets and showers throughout the house. We are now experiencing cracking in our garage floor slab as a result of the roots that will need to be addressed in the near future.

In recent years more and more large wood roots are evident in our yard, lawns and planting areas. These large roots are now causing concrete to crack and heave as well as displacing pavers. They have caused numerous irrigation pipes to break. They are hard to find and again we incur costs hiring a leak detector to locate the leaks and then make the necessary repairs.

In addition the trees impact our water usage. During the summer months we have to water considerably more as these trees suck up the water and their roots literally choke out other plants with their roots looking for the water. You can now find the fibrous roots EVERYWHERE in our yard. It is a constant battle/job to remove the roots to ensure the health of the other plants.

Lastly, the roots are becoming so impactful that is affecting our lots drainage. We have had to install sump pumps to move water that should drain to our front yard that no longer can do so due to the thick roots and the change in grade caused by the trees and roots. When the sump pump fails (power outage or debris from the trees enter the pit) our house floods. We have had to replace carpet and drywall as a result. The costs compounded with the never ending vigilance that is required as a result of these trees make them a real hardship on homeowner.

We are very apprehensive about what lays ahead as we plan to submit applications for permission to remove these trees. Recent news stories have given us an idea what we could be up against. We hope that by sharing our experience with the committee they will better understand the impact and hardships strict literal codes burden homeowners with. I also would urge the committee/city to remove Redwoods as a recommended or acceptable tree from their landscape guide. The fact that they are currently an acceptable tree for small parcels like the ones in Menlo Park is beyond understanding due to the damage they cause as they grow and take over and impact an area far bigger than their true size. The city doesn't bear the financial burden so they need to be limited as to what they can make homeowners endure. I would also hope that the city adopts some type of language that grants homeowners the right to remove trees without the interference of neighbors or third parties. Obviously there needs to be requirements for replanting/replacement trees but this should be carefully devised and must be reasonable non-invasive choices. We should not have to defend our desire to protect, enjoy and maintain our property.

Unfortunately, I got behind tonight and wasn't able to pull together pictures or copies of invoices before I left. I am happy to supply if needed when I get back.

Sincerely,

Marci Coggins
cogginshouse@aol.com
650-464-0798

Chapter 13.24
HERITAGE TREES [Staff and Horace recommendations 6/12/19]

Sections:

- [13.24.010](#) Intent and purpose.
- [13.24.020](#) Heritage tree defined.
- [13.24.025](#) Maintenance and preservation of heritage trees.
- [13.24.030](#) Removal and major pruning of heritage trees prohibited.
- [13.24.040](#) Permits.
- [13.24.060](#) Appeals.
- [13.24.070](#) Enforcement—Remedies for violation.

13.24.010 Intent and purpose.

[Approved change:]

This chapter is adopted with the intent and purpose of promoting the preservation and development of a healthy, diverse tree canopy in Menlo Park, which is highly valued by our community and is vital to the character and health of our city.

Trees are valued for their many contributions to the environment, public health and quality of life of the Menlo Park community. Examples of those benefits include:

- provide shade
- enhance resilience to climate change
- improve air quality
- provide shelter from wind
- prevent erosion and landslides
- protect against flood hazards
- add to the city's scenic beauty and character
- recognize historical significance to our city
- create natural gathering places
- reduce noise pollution
- enhance privacy
- enhance neighborhood property values
- provide habitat for wildlife

This chapter establishes regulations for the removal and replacement of trees, promotion of additional tree planting, and public education about the planting, maintenance and preservation of healthy trees following industry best management practices, consistent with the

intent and purpose of this chapter, the reasonable economic enjoyment of public and private property, and in alignment with the General Plan.

13.24.020 Heritage tree defined.

As used in this chapter "heritage tree" means:

- (1) A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council;
- (2) An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.
- (3) All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section. (Ord. 928 § 1 (part), 2004).

[Definition of Heritage Tree, Staff recommended change:]

The preferred option for how to measure multi-stem trees is to measure the diameter below the main union of all multi trunk trees unless the union occurs below grade, in which case each stem is measured as a standalone tree.

13.24.025 Maintenance and preservation of heritage trees.

Any person who owns, controls, has custody or possession of any real property within the city shall use reasonable efforts to maintain and preserve all heritage trees located thereon in a state of good health pursuant to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter. Any person who conducts any grading, excavation, demolition or construction activity on property shall do so in such a manner as to not threaten the health or viability or cause the removal of any heritage tree. Any work performed within an area ten (10) times the diameter of the tree (i.e., the tree protection zone) shall require submittal of a tree protection plan for review and approval by the director of community development or his or her designee prior to issuance of any permit for grading or construction. The tree protection plan shall be prepared by a certified arborist and shall address issues related to protective fencing and protective techniques to minimize impacts associated with grading, excavation, demolition and construction. The director of community development or his or her designee may impose conditions on any city permit to assure compliance with this section. (Ord. 928 § 1 (part), 2004).

[Maintenance and Preservation, Horace recommended additions to improve implementation:]

1. The director of public works shall collect and maintain data sufficient to enable the City to assess the implementation of this ordinance consistent with its intent and purpose.
2. No less often than once every five years, the City shall conduct an aerial photographic or other survey of the canopy coverage throughout the City, as a means of measuring the status of City canopy and achievement of the purposes of this ordinance.
3. No less often than annually, the director of public works shall report to the City Council on the number of heritage tree removals under this ordinance, associated mitigation measures, and other pertinent information.

13.24.030 Removal and major pruning of heritage trees prohibited.

It is unlawful for any person to remove, or cause to be removed any heritage tree from any parcel of property in the city, or prune more than one-fourth of the branches or roots within a twelve (12) month period, without obtaining a permit; provided, that in case of emergency, when a tree is imminently hazardous or dangerous to life or property, it may be removed by order of the police chief, fire chief, the director of public works or their respective designees. Any person who vandalizes, grievously mutilates, destroys or unbalances a heritage tree without a permit or beyond the scope of an approved permit shall be in violation of this chapter. (Ord. 928 § 1 (part), 2004).

13.24.040 Permits.

Any person desiring to remove one or more heritage trees or perform major pruning as described in Section [13.24.030](#) shall apply for a permit pursuant to procedures established by the director of public works and shall pay a fee established by the city council. It is the joint responsibility of the property owner and party removing the heritage tree or trees, or portions thereof to obtain the permit. The director of public works or his or her designee may only issue a permit for the removal or major pruning of a heritage tree if he or she determines there is good cause for such action.

[Permits, Staff recommendation:]

A tree removal permit shall be granted if the decision maker is able to make one or more of the following findings:

1. The condition of the tree poses a high/extreme risk due to structural defects or poor condition and the structural defects or poor health condition cannot be reasonably abated with arboricultural sound treatments. Evidence to support this finding may include, but is not limited to:

- a. The tree risk rating cannot be reduced to low, as reported by a Qualified Tree Risk Assessor; or
- b. A Certified Arborist has determined that the tree is dying or has a severe disease or pest infestation and that pruning or other treatments will not restore tree to good health or is likely to result in death within a year.

2. The tree interferes with proposed development, repair, alteration or improvement of a site or habitable building (excluding amenities, such as pools and fire pits) or is causing structural damage to a habitable building (s) **and** there is no financially feasible and reasonable design alternative that would permit preservation of the tree while achieving the applicant's development objectives or economic enjoyment of the property. To support this finding, the following can be required from the permit applicant and considered in making the decision about the tree(s) removal:

- a. Providing schematic diagrams that demonstrate the feasibility/livability of alternative design(s) including utilizing zoning ordinance variances to preserve the tree, providing the cost of alternative designs and total project and total project value in relation to the appraised value of tree(s) (outlined in City administrative rules for appraising trees – most recent addition to the Guide for Plant Appraisal).

3. The removal is requested by a utility, public transportation agency, or other governmental agency due to health or safety risk resulting from the tree's interference with existing or planned public infrastructure. To support this finding, the City may request information specified in Section 2a.

4. Tree has grown into the solar envelope of the collector **and** there is no other feasible and reasonable way to mitigate removal. The solar collector must have been installed prior to planting of the tree(s), consistent with Section 25982 of the Public Resources Code.

5. The trees have a diminishing value based on pest infestation; condition; species desirability; intolerance to adverse site conditions such as soil or water salinity, exposure to sun or wind, increasingly high temperatures; intolerance to no or low irrigation requirements mandated by local or state authorities. See analysis below.

[Permits, Horace recommendation:]

A tree removal permit shall be granted if the decision maker makes one or more of the following findings:

1. The tree has died, or the condition of the tree poses a high/extreme risk of imminent harm to person or property due to major structural defects or poor condition and the structural defect or poor condition cannot be abated with reasonable application of available arboricultural treatments.

2. The tree (a) interferes with a proposed development or proposed improvement on the site, or with a proposed repair or alteration of existing improvements on the site, or

(b) is causing structural damage to improvements on the site, and no reasonable design alternative that would permit preservation of the tree while achieving the applicant's purpose is available.

3. The removal is requested by a utility, public transportation agency, or other governmental agency due to health or safety risk resulting from the tree's interference with existing or planned public infrastructure.

4. Tree has grown into the solar envelope of the collector **and** there is no other feasible and reasonable way to mitigate removal. The solar collector must have been installed prior to planting of the tree(s), consistent with Section 25982 of the Public Resources Code.

5. The tree is a member of a species that has been designated by the City Arborist as undesirable in the City.

[Mitigation and Tree Replacement, Staff recommendation:]

For development related removals, the preferred option identified is to use the appraised value method to dictate tree replacement requirements based on the value of the tree. If there is not enough room on the site to plant all required replacement(s), the permit applicant would pay the difference between the cost of replacements and the value of the tree into the City's tree fund. The appraised value of trees being removed required at the in the permit application would guide the required replacement tree plantings. This will highlight the importance of preserving higher value trees (e.g., native, healthy specimen, etc.). Moreover, if the replacement cost exceeds the cost to design around the tree, the applicant have a greater motivation to preserve a high value tree(s).

For non-development related, a matrix based on trunk diameter will be proposed by the City arborist that will set the required replacement plantings. See Table 9 example above. This would reduce the burden of potentially overpaying for a dead or tree in poor health. On sites that are fully planted, the applicant would pay the cost of the replacement tree set by City Council into the city tree fund.

The preferred option identified is to use an existing fund to deposit violations and/or other fees collected for heritage tree permits. These funds could then be used to form partnerships with nonprofits that promote tree planting on private property in Menlo Park.

[Mitigation and Tree Replacement, Horace recommendation:]

Support Staff recommendation, plus: Matrix method for mitigation by planting replacement trees, as determined by Director of Public Works or his designee from time to time. Minimum 2:1 replacement requirement. Applies to all removals, including high risk removals.

1. Replacement requirements apply to all removals, including emergency removals and high-risk removals.
2. Determine that replacement trees have been planted before occupancy permit is

issued, if applicable.

3. Follow-up inspection after two years.
4. Utilize informal education and information mechanisms as widely as possible.

13.24.060 Appeals.

Any Menlo Park resident or property owner may appeal the decision of the director of public works or his or her designee to the environmental quality commission in writing within fifteen (15) days after his or her decision. Such a request shall be submitted to the city clerk and it shall state the reasons for the appeal. The matter will be reviewed by the commission at its earliest opportunity. Any Menlo Park resident or property owner may appeal the decision of the environmental quality commission to the city council in writing within fifteen (15) days after the decision of the commission. Such a request shall be submitted to the city clerk and it shall state the reasons for the appeal. The matter will be reviewed by the city council at its earliest opportunity. A permit shall not be issued until all appeals are completed and/or the time for filing an appeal has expired. (Ord. 928 § 1 (part), 2004).

[Appeals, Staff recommendation:]

1. Risk-based criterion: Appeals of removal permit once granted are not allowed. Property owner can appeal denial of removal permit based on risk (City Arborist does not agree with property owner analyst), by appeal to City Manager.

2. Other criteria: Appeals by both property owners and community members will be heard by a new heritage tree board. Community member appeals (not property owner appeals) must provide concepts/ideas that can be explored by City and align with the removal criteria of the permit. Person appealing first files an appeal intent form (within 15 working days) to receive the application and supporting documents

3. Offer conflict resolution where applicable to preserve relationships and work through conflicts.

[Appeals, Horace recommendation:]

1. No appeal for permits granted under criterion 1 (high/extreme risk).
2. For tree removal permits granted in connection with a development project to be submitted to Planning Commission, tree removal permits will be considered prior to any Planning Commission action on the project. Removal applications and permits in such circumstances will both be noticed city-wide (15 working days) and permit appeals, if any, will be heard by the EQC (or other body designated by the City Council).
3. For all other appeals, appeals by both property owners and community members will

be heard by the EQC (or other body designated by the City Council). Person appealing first files an appeal intent form (within 15 working days).

4. Entire file re application and permit available publicly from the time the permit application is filed.

13.24.070 Enforcement—Remedies for violation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the city for violation of this chapter:

(1) If a violation occurs during development, the city may issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the director of community development or his or her designee, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for protection of any remaining trees on the property, and shall provide for replacement of each tree removed or heavily damaged on the property or at locations approved by the director of community development or his or her designee and by the director of public works, if replacement is to occur on public property. The replacement ratio shall be determined by the director of community development or his or her designee and shall be at a greater ratio than that required where tree removal is permitted pursuant to the provisions of this chapter.

(2) If a violation occurs in the absence of development, or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending, the director of community development or his or her designee may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the director of community development or his or her designee shall be imposed as a condition of any subsequent permits for development on the subject property.

(3) As part of a civil action brought by the city, a court may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00) per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the city. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers. Regarding injunctive relief, a civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation. In any civil action brought pursuant to this chapter in which the city

prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees. (Ord. 928 § 1 (part), 2004).

[Enforcement Remedies, Staff recommendation:]

1. Implementing inspections after planting and after 2 years
2. Increasing the fine of \$5,000 to \$10,000
3. Addition of a punitive fine for violations of the ordinance
4. Removal or moratorium penalty.

[Enforcement Remedies, Horace recommendation:]

1. Increase civil penalty to a substantially higher amount, commensurate with best practices in the area for serious local code enforcement (not just heritage tree removals).
2. Authorize Code Enforcement to act on violations, with appropriate schedule of violations and fines to be developed.

HERITAGE TREE ORDINANCE UPDATE- TREE REMOVAL CRITERIA



Task Force Direction Provided to Staff/consultant	Proposed tree removal decision making criteria (May 9)	Revised Proposed tree removal decision making criteria (June 12)
<p>Explore reducing the list of decision making criteria with the intention of simplifying, clarifying, and reducing subjectivity based on the examples of Cupertino, Rancho Cordova, and Los Gatos.</p>	<p>Prior to the issuance of a heritage tree removal permit, the City Arborist shall review the request. The determination in granting or denying a permit shall be based on the following criteria. Each criterion, design guidelines, qualifications, certifications and methodologies to be used are outlined in a companion document.</p> <p>Tree removal permit shall be granted if the decision maker is able to make <u>one</u> or more of the following three findings:</p> <ol style="list-style-type: none"> 1. The condition of the tree poses a high/extreme risk due to structural defects or is in poor condition and the structural defects or poor health cannot be reasonably abated with available arboricultural treatments. Evidence to support this finding may include, but is not limited to: <ol style="list-style-type: none"> a. The tree risk rating cannot be reduced to low, as reported by a Qualified Tree Risk Assessor; or b. A Certified Arborist has determined that the tree is dying or has a severe disease or pest infestation and that pruning or other treatments will not restore tree to good health or is likely to result in death within a year. 2. The tree interferes with development, structural damage to buildings, repair, alteration or improvement of the site <u>or</u> is causing structural damage to a habitable building <u>and</u> there is no financially feasible and reasonable design alternative that would permit preservation of the tree while achieving the applicant’s development objectives or economic enjoyment of the property. To support this finding, the following can be required from the permit applicant and considered in making the decision about the tree(s) removal: <ol style="list-style-type: none"> a. The extent to which the tree occupies a significant portion of the buildable area of the site or would impede the 	<p>Prior to the issuance of a heritage tree removal permit, the City Arborist shall review the request and make a decision. The determination in granting or denying a permit shall be based on the following criteria. Each criterion, design guidelines, qualifications, certifications and methodologies to be used are outlined in an administrative rules/requirements document.</p> <p>A tree removal permit can be granted if the decision maker is able to make <u>one</u> of the following findings:</p> <ol style="list-style-type: none"> 1. The tree has died or condition of the tree poses a high/extreme risk due to structural defects or poor condition, and the structural defects or poor health condition cannot be reasonably abated with arboricultural sound treatments. Evidence to support this finding may include, but is not limited to: <ol style="list-style-type: none"> a. The tree risk rating cannot be reduced to low, as reported by a Qualified Tree Risk Assessor; or b. A Certified Arborist has determined that the tree is dying or has a severe disease or pest infestation and that pruning or other treatments will not restore tree to good health based on current arboricultural standards and/or the tree is likely to die within a year. 2. The tree interferes with proposed development, repair, alteration or improvement of a site or habitable building (excluding amenities, such as pools and fire pits) or is causing structural damage to a habitable building(s) <u>and</u> there is no financially feasible and reasonable design alternative that would permit preservation of the tree while achieving the applicant’s development objectives or economic enjoyment of the property. To support this finding, the following can be required from the permit applicant and considered in making the decision about the tree(s) removal:

Task Force Direction Provided to Staff/consultant	Proposed tree removal decision making criteria (May 9)	Revised Proposed tree removal decision making criteria (June 12)
	<p>implementation or use of the significant portion of the buildable area (note*** if the building envelope option is chosen this criterion can be removed); or</p> <p>b. The existence of special circumstances applicable to the site, including but not limited to size, shape, topography, location or surroundings that do not apply generally to other properties in the district and the extent to which such circumstances would deprive such property of privileges enjoyed by other property owners in the vicinity and under identical zoning providing schematic diagrams that demonstrate the feasibility/livability of alternative design(s), the cost of alternative design(s) exceeds the appraised value of the tree appraised value of tree (outlined in city administrative rules for appraising trees) and total project value when requested by the City.</p> <p>3. The removal is requested by a utility, transportation company or owner of a solar collector due to the tree’s interference with existing utility infrastructure which could poses a health or safety risk or has grown into the solar envelope of the collector and there is no other feasible and reasonable way to mitigate that risk. The solar collector must have been installed prior to planting of the tree(s), consistent with SB 1399 (Chapter 176 of the California state law). Note*** Through the course of this analysis, it was staff determined the City of Menlo Park’s solar ordinance does not conform to SB 1399 and is out of compliance with the proposed heritage tree ordinance criteria.</p>	<p>a. Providing schematic diagrams that demonstrate the feasibility/livability of alternative design(s) including utilizing zoning ordinance variances to preserve the tree, providing the cost of alternative design(s) and total project value in relation to the appraised value of tree(s) (outlined in City administrative rules for appraising trees- most recent addition to the Guide for Plant Appraisal).</p> <p>3. The removal is requested by a utility, public transportation agency, or other governmental agency due a health or safety risk resulting from the tree’s interference with existing or planned public infrastructure. To support this finding the City may request the information specified in Section 2a.</p> <p>4. Tree has grown into the solar envelope of the collector and there is no other feasible and reasonable way to mitigate the condition, such as pruning. The solar collector must have been installed prior to planting of the tree(s), consistent with Section 25982 of Public Resources Code. To support this finding the City may request the information specified in Section 2a.</p> <p>5. The tree(s) have a diminishing value based on pest infestation; disease; a condition that cannot be reasonably abated; species desirability; intolerance to adverse site conditions such as soil or water salinity, exposure to sun or wind, increasingly high temperatures; intolerance to no or low irrigation requirements mandated by local or state authorities.</p> <p>6. The tree is a member of a species that has been designated as invasive by the City.</p>