



CITY OF CARMEL-BY-THE-SEA FOREST AND BEACH COMMISSION Staff Report

January 9, 2020
PUBLIC HEARINGS

TO:	Forest and Beach Commissioners
SUBMITTED BY:	Sara Davis, City Forester
SUBJECT:	Notice of Violation of the Trees and Shrubs Ordinance, and Assessment of fees and special conditions due to unauthorized root cutting of 8 trees on Santa Rita Street, 2 SW of Fifth Avenue.

RECOMMENDATION:

Assess a fine of \$50,000 for the damaged caused from construction activities, require the removal and stump grinding of the three, significantly damaged trees, and enforce the technical recommendations listed on page 8 of the attached Arborist Report. Require payment of the fine and tree removal work to be completed to the satisfaction of the City Forester prior to allowing construction work to proceed on the single family residence. Set aside the \$50,000 for new tree plantings in public spaces and the infrastructure to maintain the new plantings.

BACKGROUND/SUMMARY:

As a result of a citizen complaint, on October 17, 2019, City contracted arborist Glenn Whitlock-Reeve discovered root damage from construction activities at Santa Rita 2 SW of Fifth Avenue. Construction was immediately shut down by the City's code enforcement officer. The observations from this site visit are documented in the attached Arborist Report.

Ms. Jie Mei, the property owner of Santa Rita 2SW of Fifth, plans to construct a single-family structure. Plans for the project do not include a landscape plan but they do show existing trees on the site plan and lighting plan.

Sheet T-3 of the constructions drawings under Conditions of Approval states: *"Trees on the site shall only be removed upon the approval of the City Forester of Forest and Beach Commission as appropriate; and all remaining trees shall be protected during construction by methods approved by the City Forester. All foundations within 15 feet (including the detached garage) shall be excavated by hand. If any tree roots larger than two (2") are encountered during construction, the City Forester shall be contacted before cutting the roots.*

The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval of any significant tree is

endangered as a result of construction until an investigation by the City Forester has been completed. Twelve inches (12") of mulch shall be evenly spread inside the drip line of all trees prior to the issuance of a building permit."

No tree permits were submitted nor approved for this project.

ANALYSIS:

Our consulting arborist, Glenn Whitlock-Reeve from West Coast Arborists, has provided photographs, damage assessment, valuation analysis, and other information in the attached Arborist Report.

Actions are in violation of Carmel Municipal Codes:

- 12.28.100 Permit for Removal – Improvement of Private Property
- 12.28.170 Cutting Trees on Private Property, Vacant Lots and for Construction
- 12.28.172 Cutting Trees on Private Property

FISCAL IMPACT:

None.

The total appraised value of the three trees to be removed (trees #4, 5, and 7) is \$50,000. All costs associated with this hearing before the Forest and Beach Commission and any penalties of fees to be assessed will be paid by the applicant. Any such revenue to the City will be posted in the City's Tree Restoration Fund.

ATTACHMENTS:

Arborist Report for 8 Trees, Santa Rita, 2SW of Fifth

ARBORIST REPORT

Santa Rita 2 SW of 5th

Root damage during construction.

Submitted to:

Sara Davis
City Forester
P.O. Box CC
Carmel by the Sea
CA 9329

January 6th, 2020



Tree Care Professionals Serving Communities Who Care about Trees www.WCAINC.com

Prepared by:

Glenn O. Whitlock-Reeve

ISA QUALIFIED TREE RISK ASSESSOR | BOARD CERTIFIED MASTER ARBORIST WE-10177BTM
390 MARTIN AVE SANTA CLARA, CA 95050 - (408) 835-0438 - GREEVE@WCAINC.COM





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Summary

West Coast Arborists Inc. was contracted to assess the construction impact of established trees at Santa Rita 2 SW of 5th. Eight trees are located on the property and all have sustained minor to severe root damage from recent construction operations. Three of the trees are suspected to have sustained root damage that may render the trees unstable. Trees that may require removal have been appraised and given an estimate of value as requested by the city, to be used for code enforcement purposes. The assignment results totaled \$50,000.00 for the three trees assessed. The extent of the root damage was estimated by the area excavated near trees, but the exact impact is unclear without further evaluation. Trees chosen for retention on the property should be thoroughly assessed to assure that the structural integrity has not been jeopardized.

Background

On October 17th, 2019, the City of Carmel-by-the-Sea received a complaint regarding root damage near trees on Santa Rita 2 southwest of 5th avenue. At the time I had been serving as the city's contract arborist. I responded to the site to assess the damage to the trees around 2pm. Upon my arrival extensive root damage as well as soil piled 6-feet high in the roadway. I notified city staff (Agnes Martlet) and a stop work order was placed on the property.

I provided city staff with a brief letter dated November 5th, 2019, summarizing the damages, and providing recommendations for further assessment. I recommended that a thorough root crown inspection be completed with an **air-spade**¹, to quantify the root loss of trees impacted. The property owner was requested to obtain a thorough, objective assessment of the construction impact to the trees, but declined to hire an arborist. Sara Davis requested that I perform a thorough assessment of the trees and provide a report for forest and beach commission. After discussing the extent of required equipment and personal to perform a thorough root crown excavation, Ms. Davis requested I provide a report based on my initial assessment on October 17th, 2019.

¹ Terms in **Bold** are defined in the glossary.



Assignment

The City of Carmel-by-the-Sea has contracted West Coast Arborists Inc. to perform the following services.

1. Assesses the extent of root damage from excavation on the three trees based on my initial observations on October 17th, 2019.
2. Provide an estimated value for trees that display signs of significant-severe root damage.
3. Summarize findings in a formal report.

Limitations of assignment

This assessment was limited to what was visible at grade level on the day of my inspection. No root crown inspection where performed nor any other advanced assessment method. The diameters of trees cited appraisal portion of this report were provided by the City Forester, Sara Davis.

Observations

The property at Santa Rita 2 SW of 5th, is located on the west side of Santa Rita. The property is in a valley with established houses to the north, south and west. The property line was not clearly marked during my inspection, but there is an access road/path on the uphill western side of the lot. A Wood fence is present at the southern and western sides of the property. The lot slopes downward from north to south. Locations of the 8 trees included in this assessment is provided in the appendix of this report.

Eight trees consisting of three native species including, Monterey Cypress (*Hesperocyparis macrocarpa*), Monterey Pine (*Pinus radiata*) and, Coast Live Oak (*Quercus agrifolia*) are present on the lot. The trees ranged in Diameter from 10 to 48-inches. The largest tree being tree #8 (*P. radiata*), displaying a mature canopy over 100-feet tall, and a minor lean to the southwest as well as large hanging branches in the canopy. The remaining trees are show maturing canopies suggesting middle stages of life. The canopy condition of the trees was fair for the most part, but with minimal evidence of maintenance pruning broken, overextended, and hanging branches were present in many of the trees.

On the day of my inspection active excavation was underway with the use of a skid steer loader (Bobcat) and a Mini excavator. Crews were observed excavating soil from the northern side of the lot up to 5-feet deep and 1-2feet on the southern side. Soil removed from the construction area was being piled in the city right-of-way on the east side of the lot. The 6-foot tall and nearly 30-foot across pile of soil had roots up to 4-inches in diameter and 4-feet long intermixed in the soil.

Entering the construction area, the soil was extremely dry and dusty. Freshly torn roots were observed throughout the area. A wooden box was present on north side of the cut wall near trees 6-8. I was informed the box had been placed and filled up with dirt in effort to protect the roots from drying out. To the east and west of the box fresh cuts could be seen on roots up to 3-inches in diameter as well as roots that had been torn from the wall from machinery. The majority of the southern root zones of trees 6-8 are believed to have been removed or damaged during construction.

Damage done to trees 4 and 5 on the south side of the lot is suspected to have the most immediate impact. Excavation with in 1-foot of the trunk on the majority of the northern dripline 1-foot deep, resulted in extensive root loss. Both trees 4 and 5 display canopies heavy to the south and the loss of tension roots may result in whole tree failure.

CONSTRUCTION IMPACT

A total of 8 trees were noted on the property or near the property line. Excavation is believed to have had severe to minor impact on all trees on the site. Excavation is also anticipated to have impacted trees on adjacent lots to the west as well, but the extent of damage is unknown at this time. The table below shows anticipated impact of from construction based on the following definitions.

Negligible- little to no impacts observed.

Minor - Impact limited to compacted and or contaminated soil or minor canopy damage such as exhaust burning from heavy machinery. Trees with *minor* may require corrective maintenance such as trimming, soil treatments, watering, and mulching.

Significant- Root damage suspected to have impacted large structural roots. Decline in health and/or stability likely within a given amount of time. Trees with *significant* root damage may require extensive corrective measures such as canopy reduction for retention and continued monitoring for signs of decline or structural instability.

Severe- stability of tree jeopardized with extensive roots loss. Damage to **CRZ**, may result in main stem/trunk decay. Failure and/or tree mortality likely as result of damage. Trees with *severe* root damage may require removal to reduce risk to life and property.

Tree #	Species	DSH	Construction Impact
1	Monterey Cypress	41"	Minor-Significant
2	Monterey Pine	37"	Negligible
3	Coast Live Oak	10"	Negligible
4	Monterey Pine	32"	Significant
5	Monterey Cypress	34"	Severe
6	Monterey Cypress	26"	Minor
7	Monterey Pine	48"	Significant
8	Monterey Pine	18"	Minor



Tree Appraisal

The appraisal was determined using guidelines set forth by the Council of Tree & Landscape Appraisers in the *Guide for Plant Appraisal, 10th Edition*. In addition to the Western Chapter of the International Society of Arboriculture book titled *Species Assignment and Classification and Group Assignment* was used to determine the most commonly available replacement tree size, replacement price and average installation costs. The **Reproduction Method by Trunk Formula Technique**, where the value of the tree is determined by extrapolating the purchase cost of a nursery-grown tree up to the size of the size of the subject tree being valued. Appendix-C of this report provides an example of the process used to produce the estimate of value.

Criteria for Appraisal

The three most impacted trees where chosen for appraisal. These values may be used by the city for code enforcement purposes. Appraisal of the remaining trees can be provided upon request.

Tree #	Species	DSH	Construction Impact	Appraised Value
4	Monterey Pine	32"	Significant	\$10,000.00
5	Monterey Cypress	34"	Severe	\$18,000.00
7	Monterey Pine	48"	Significant	\$22,000.00



Discussion

The excavation on this lot was done with blatant disregard to the trees on site. The roots seen thrown about the property and stuck in heavy machinery's wheels suggests extensive damage to root systems. Ripping roots from the ground with machinery can result in fractures in the trunk of a tree. The wounds provide a path for pathogenic, wood decaying fungi to further reduce structural integrity of trunk and root system and health of the tree. The loss of roots reduces the trees ability to absorb water and nutrients, leading to canopy decline. Construction damage can often take several years to reflect in the canopy, due to stored nutrients in the tree, but often result in extensive canopy dieback or catastrophic failure.

Trees evaluated in this report as having a *significant-severe* impact may be candidates for removal. The large size of the trees and pre-existing leans now stresses weakened root systems resulting in a higher likelihood of failure. The adjacent houses and predicted failure direction suggest in severe consequences in the event of a whole tree failures. Corrective measures to reduce the load on damaged root systems may result in extensive canopy loss, that could further stress the trees and result in tree mortality. If tree retention is desired a thorough root crown inspection must be completed as well as a detailed risk assessment.

Trees #s 1-3, 6 and 8 were determined to have minor impact from excavation but may require further assessment and monitoring. Tree #1 sustained substantial soil compaction from machinery operations, piling 6-feet of soil on the northeast root zone. Compacted root zones kill and limit growth of new **fibrous roots** and can lead to decline in tree health. Soil injections with low nitrogen fertilizer and mulching can aid in reducing compaction and help the trees recover. Safety pruning focusing on crown cleaning and end weight reduction is also advised for trees on site as the trees display no signs of regular maintenance.



Santa Rita 2 SW of 5th – January 6th, 2019

Recommendation

1. Removal of tree #'s 4, 5 and 7.
2. Safety pruning of any trees retained. Trimming should be focused on removing any dead/broken branches over 1-inch in diameter, reducing overextended/heavy limbs, balancing canopies, and reducing wind loading. All pruning should be preformed in accordance of ANSI-A300 standards. (Tree Care Industry Association, Inc., 2017).
3. Low nitrogen fertilizer soil injections for trees that sustained extensive compaction. Establish 6 to 8-inches of mulch beneath canopies.
4. Continued monitoring of any tree retained, with re-inspection in 1-year by certified arborist to assess structural integrity and health of trees.

Thank you for the opportunity to assist you in your tree assessment needs. If there are any questions or concerns feel free to contact me directly at (408) 835-0438, greeve@wcainc.com

Respectfully,

Glenn O. Whitlock-Reeve
Board Certified Master Arborist
WE-10177BTM
ISA Qualified Tree Risk Assessor
West Coast Arborists, Inc.

West Coast Arborists, Inc.

390 Martin Avenue Santa Clara, CA 95050 (408) 855-8660

Glossary

Air-spade- specialist excavation tool that uses compressed air to remove and break up soil with minimal damage to roots and underground utilities. It can be used for a variety of reasons including the alleviation of compaction, soil improvement, root inspection and root location.

Buttress Roots- roots at the trunk base that help support the tree and equalize mechanical stress.

Crucial Root Zone (CRZ)- An area where roots are present around a tree that are crucial to health and stability of the tree. Tree roots expand far beyond the canopy of the tree; most roots grow within the top 6-8" of the soil. Roots grow where conditions are most favorable, seeking oxygen water and nutrients. There is no industry standard to for measuring the *Crucial Root Zone*, but for the purpose of this report it shall be defined as the **DSH** multiplied by 8-inches. All excavation should be completed by hand and with an **Air-spade** in the defined **CRZ**. No root larger than 2-inches in diameter shall be cut without approval from certified arborist within the **CRZ**.

Fibrous roots- small hair like roots that absorb nutrients and water.

Depreciation- a loss in value from any cause; typically caused by either physical, economic, or external factors.

Reproduction cost- the cost to replace an improvement with an exact replica. Referred to in previous editions of the *Guide* as *replacement cost*.

Trunk formula technique (TFT): a technique for developing a cost basis that involves extrapolating the purchase cost of a nursery -grown tree up to the size of the subject tree being valued.

Value: the monetary worth of a property, good or service to buyers and sellers at a given point in time. Expectation or present worth of future benefits. Economic value is created by scarcity restricting supply and utility enhancing demand. Not to be confused with cost or price.

Value estimate: an assignment result in which the plant appraiser estimates the economic value of a plant or landscape item based on its market supply and demand.



Santa Rita 2 SW of 5th – January 6th, 2019

Bibliography

Richard F. Gooding, J. R. (2019). *Guide for Plant Appraisal, 10th Edition*. Atlanta : International Society of Arboriculture .

Tree Care Industry Association, Inc. (2017). *Tree, Shrub, and Other Woody Plant Management- Standard Practices (Pruning)*. New Hapshire : Tree Care Industry Association, Inc.

Western Chapter of International Society of Arboriculture. (2004). *Species Classification And Group Assignment* . Western Chapter of International Society of Arboriculture.

Appendix A- Map (Approximate Tree locations)

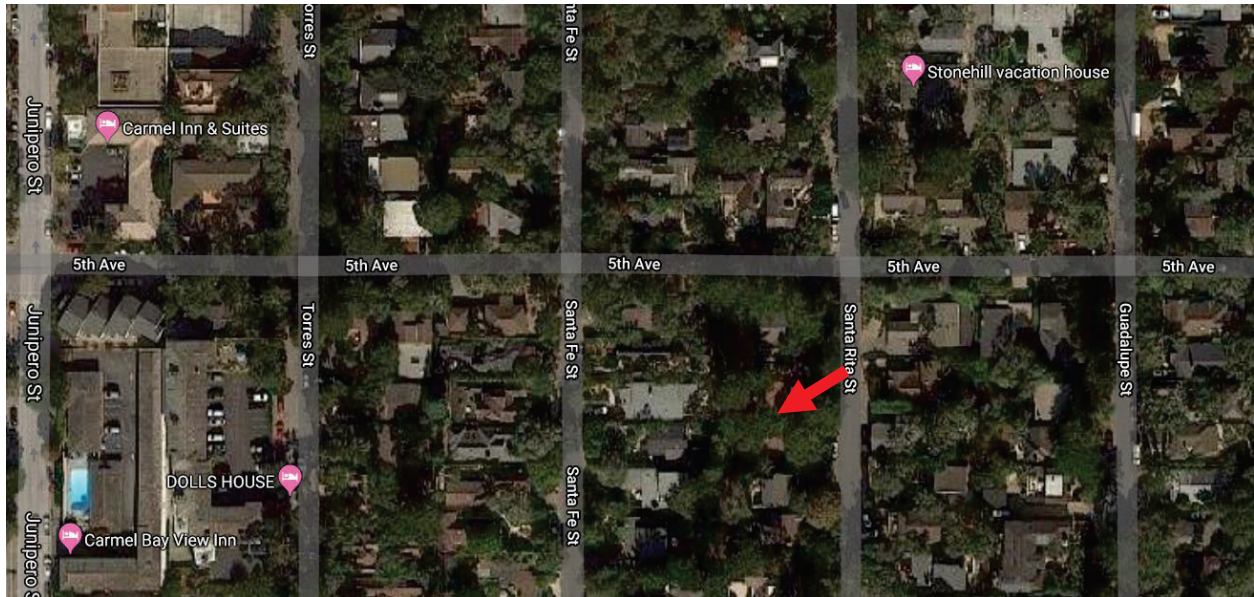


Figure 1: The red arrow indicates the approximate location of the property.

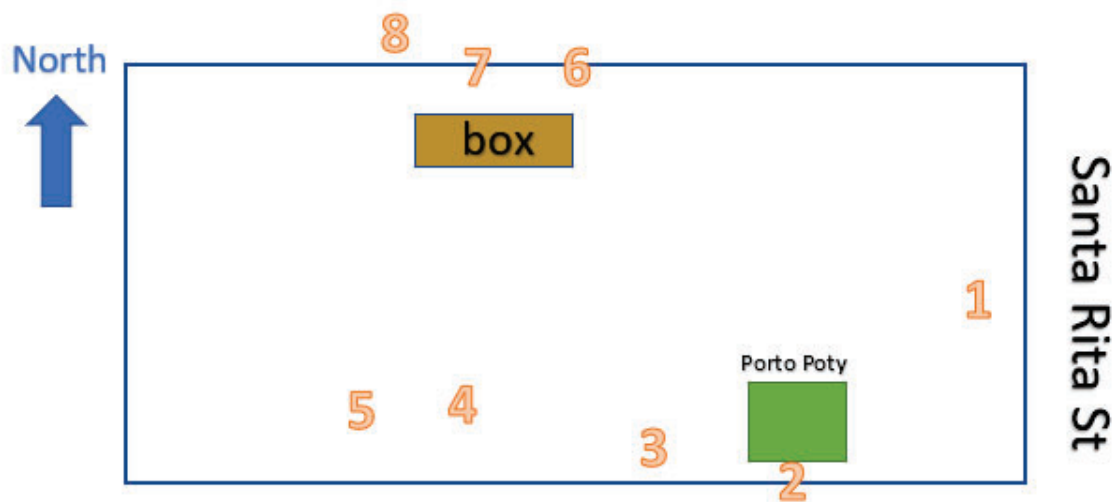


Figure 2: The image shows approximate locations of trees sited in this report by number.

Santa Rita 2 SW of 5th – January 6th, 2019

Appendix B- Observation Photos



Figure 4: Looking southwest from street, note large pile of soil.



Figure 3: Looking west inside excavation area, red arrow shows box that was constructed around exposed roots of tree #7.



Figure 5: Looking southeast from Tree #7, red arrows note how close excavation was preformed near trees 4 and 5.



Figure 6: Looking south at Tree #5, Note roots ripped from ground with in 1-foot of trunk.



Figure 7: Skid-steer loader operating on site, note roots stuck in tracks an indication that little to no caution of roots was taken during excavation.



Figure 8: Roots seen on southern wall ripped rather than cut cleanly.



Figure 9: 6-foot long 4-inch diameter root seen laying next to tree 4.



Figure 10: Torn remnants of roots with in 1-foot of trunk.

Appendix C- Appraisal Calculations Shown for Tree #4

Depreciation Factors

Health (*Good 75% Rating*)²

Vigor was determined to be normal for the species with only minor presence of pests and disease. Minor dieback was present in the canopy and only small dead branches scattered about the canopy. Sap was seen on the trunk and lateral branches likely from fungal/bacterial pathogens common to the area.

Structure (*Good 70% Rating*)

Structure normal for the species with the canopy with. The canopy was slightly heavy to the west likely due to phototropic growth and pruning from property to the east.

Form (*Good 70% Rating*)

Minor deviations from the species norm, consistent with premature Monterey Pine of the same age. Functional aesthetics are not affected.

Functional Limitations (FL): *90% Rating*

The planting site did not show significant limitations.

External Limitations (EL): *50% Rating*

Monterey Pine are susceptible to numerous lethal pests and disease in the area including Red Turpentine Beetle, Dwarf Mistletoe and Pitch Canker.

The bellow table shows factor values applied to all trees appraised in this assessment.

<u>Tree #</u>	<u>Health</u>	<u>Structure</u>	<u>Form</u>	<u>FL</u>	<u>EL</u>	<u>DSH</u>	<u>Replacement</u>	<u>After care</u>
4	75%	70%	70%	90%	50%	32"	\$250	\$600
5	75%	70%	70%	80%	90%	34"	\$250	\$600
7	75%	70%	70%	90%	50%	48"	\$250	\$600

² Ratings are used for tree appraisal, and our calculated from table 4.1 on page 44 of the *Guide for Plant Appraisal*, 10th edition.

Santa Rita 2 SW of 5th – January 6th, 2019

Appraisal Calculations Tree #4 (continued)

Subject Tree (Tree #4)**Species:** Monterey Pine (*Pinus radiata*)

1. Trunk Diameter:	32-in
2. Cross- Sectional Area (line 1) ² x 0.7854:	804-in²
3. Condition Rating:	70%
(Lowest Individual rating to establish overall condition rating)	
a. Health: 75%	
b. Structure: 70%	
c. Form: 70%	
4. Functional Limitations:	90%
5. External Limitations:	50%

Replacement Tree**Species:** Monterey Pine (*Pinus radiata*)

6. Trunk Diameter:	2.46-in
7. Cross-Sectional area (line 6) ² x 0.784:	4.74-in²
8. Replacement Tree Cost (24-in Box):	\$172.73

(Lines 6-8 Source: *Species Classification and Group Assignment 9th Edition*)**Calculations**

9. Unit tree cost (Line 8 / Line 7):	\$36.44
10. Basic reproduction cost (line 2 x line 9):	\$29,298.50
11. Depreciated reproduction cost:	\$9,229.02
(line 10 x line 3 x line 4 x line 5)	

Additional Costs

Clean up: (Property owner responsibility)	N/A
Replacement Tree Installation: (City standard)	\$250.00
Aftercare: (weekly watering for 1 year during summer months)	\$600.00

(Additional costs are low estimates sourced from previous experience and similar projects)

12. Total additional costs:	\$850.00
13. Total reproduction cost (line 11 + line 12):	\$10,079.00
14. Rounded:	\$10,000.00



Santa Rita 2 SW of 5th – January 6th, 2019

ASSUMPTIONS AND LIMITING CONDITIONS

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others. Standard of Care has been met with regards to this project within reasonable and normal conditions.
2. The Consultant will not be required to give testimony or to attend court by reason of this report unless subsequent contractual agreements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
3. Loss or alteration of any part of this report invalidates the entire report.
4. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written consent of the Consultant.
5. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a stipulated result, a specified value, the occurrence of a subsequent event, nor upon any finding to be reported.
6. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, or coring, unless otherwise stated. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree(s) or property in question may not arise in the future.
7. Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. It is highly recommended that you follow the arborist recommendations; however, you may choose to accept or disregard the recommendations and/or seek additional advice.
8. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time.
9. Any recommendation and/or performed treatments (including, but not limited to, pruning or removal) of trees may involve considerations beyond the scope of the arborist's services, such as property boundaries, property ownership, site lines, disputes between neighbors, and any other related issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist can then be expected to consider and reasonably rely on the completeness and accuracy of the information provided.
10. The author has no personal interest or bias with respect to the subject matter of this report or the parties involved. He/she has inspected the subject tree(s) and to the best of their knowledge and belief, all statements and information presented in the report are true and correct.
11. Unless otherwise stated, trees were examined using the risk assessment criteria detailed by the International Society of Arboriculture's publications *Best Management Practices – Tree Risk Assessment* and the *Tree Risk Assessment Manual*.

West Coast Arborists, Inc.

390 Martin Avenue Santa Clara, CA 95050 (408) 855-8660

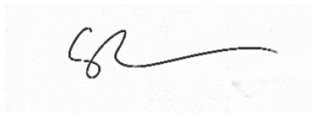
Appendix D- Certification of Performance

I, Glenn O. Whitlock-Reeve, Certify that:

1. I have personally inspected the tree(s) and property referred to in this report and have stated my findings accurately.
2. I have no current or prospective interest in the tree or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
3. The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts.
4. My analysis, opinions and conclusions were developed, and this report has been prepared according to commonly accepted arboricultural practices and standards.
5. No one provided significant professional assistance to me, except as indicated within the report.
6. My compensation is not contingent upon the reporting of predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member in good standing of the American Society of Consulting Arborists and a Board-Certified Master Arborist with the International Society of Arboriculture (ISA). I have been a Certified Arborist since 2013 and in the practice of arboriculture for over 10 years.

Signed:



Glenn O. Whitlock-Reeve
Board Certified Master Arborist
WE-10177BTM
ISA Qualified Tree Risk Assessor
West Coast Arborists, Inc.

Date: 1/6/19

REGULAR MEETING MINUTES

Forest and Beach Commission Meeting

Thursday, January 9, 2020

ROLL CALL

COMMISSION MEMBERS PRESENT: Michael Caddell, Chair
Al Saroyan, Vice Chair
Sarah Berling
JC Meyers joined the Commissioners tour at the site.

COMMISSION MEMBERS ABSENT: Darlene Mosley

STAFF MEMBERS PRESENT: Bob Harary, Public Works Director
Sara Davis, City Forester
Yvette Oblander, PW Admin Coordinator,
Commission Secretary
Marnie Waffle, Acting Planning and Building Director

TOUR OF INSPECTION

Santa Rita Street, 2 SW of Fifth Avenue

PLEDGE OF ALLEGIANCE

Chair Caddell led the audience in the Pledge of Allegiance

PUBLIC APPERANCES

The following members of the public spoke:

Karen Ferlito, invited the Commissioners to the Weedies event this weekend at MTNP to pull weeds, weather permitting.

Ramie Allard, with Friends of Carmel Forest, spoke on a tree planting for a sponsored tree.

ANNOUNCEMENTS

No Announcements at this time

CONSENT AGENDA

1. Approval of the minutes from the December 12, 2019 Regular Meeting

Vice Chair Saroyan moved to approve the minutes from the December 12, 2019 regular meeting, seconded by Commissioner Berling, and approved by the following votes:

AYES:	Caddell, Saroyan, Meyers, Berling
NOES:	None
ABSTAIN:	None
ABSENT:	Mosley

PUBLIC HEARINGS

2. Notice of Violation of the Trees and Shrubs Ordinance, and Assessment of fees and special conditions due to unauthorized root cutting of 8 trees on Santa Rita Street, 2 SW of Fifth Avenue.

Ms. Jie Mei, the property owner of Santa Rita 2SW of Fifth, plans to construct a single-family structure. Plans for the project did not include a landscape plan, but they do show existing trees on the site plan and lighting plan.

Last October, the City contracted arborist Glenn Whitlock-Reeve, who discovered root damage from construction activities. Construction was immediately shut down by the City's code enforcement officer.

The total appraised value of the three trees to be removed (Per Arborist Report) is \$50,000. All costs associated with this hearing before the Forest and Beach Commission and any penalties of fees to be assessed will be paid by the applicant. Any such revenue to the City will be posted in the City's Forest Restoration Fund.

Public Comment

The following members of the public spoke:

Jane Herbst, a neighbor of the above property spoke about the damaged trees and her concern of the safety of the trees.

Mary Lou Sturgen, the neighbor adjacent to the above property. Spoke on her concern of her safety and the possible property damage if the trees will fall.

Ramie Allard, is concerned as to why there was not a preconstruction inspection, and no landscape plan?

Richard Hewett, and his family live directly behind the subject property. He is also concerned for the public safety.

Karen Ferlito, is concerned for the safety of the surrounding properties, and she feels that this was a total disregard for the rules.

Tom Bruce with Coldwell Banker, and Ms. Mei's Realtor, spoke in support for Ms. Mei, and helps to explain things to her because of the language barrier. They did not decline to get an Arborist but they decided to go with the City's Forester.

Jill M., stated that she wanted to add to what Karen Ferlito had said. When you come within 15 feet of the tree, you are required to hand dig, and there should be no heavy equipment.

Marnie Waffle, Acting Planning and Building Director. Any time there is a proposed project to remove a healthy tree, it comes before the Forest and Beach Commission first, before that project goes to the Planning Commission. BP did go over the guidelines of protecting the trees on the subject property. A \$500 fine from the BP Department was issued to the applicant when a stop work order was issued.

City Forester, Sara Davis gave her recommendation for this hearing:
Assess a fine of \$50,000 based on the valuation of the tree damage caused from construction activities, require the removal and stump grinding of the three, significantly damaged trees, and enforce the technical recommendations in the arborist report for the remaining trees. Require payment of the fine and tree removal work to be completed to the satisfaction of the City Forester prior to allowing construction work to proceed on the single family residence. Set aside the \$50,000 for new tree plantings in public spaces and the infrastructure to maintain the new plantings.

Commissioners discussed the issue with all the information given. Commissioner Meyers motioned to permit the removal of the three (3) trees that Glenn Reeves has identified as at risk and significant, assess the \$50,000 fine, and have the City Forester approve the contractor to remove the three trees, assign a third party Arborist to do a thorough evaluation and review the health of the remaining trees on the property, make recommendations as to monitoring of the remaining trees, return to the Forest and Beach Commission before anything further is done as related to the trees, and no further construction until these requirements have been completed. Also, that we have the Contract Arborist advice as to the necessity of a bond as it relates to the health of the remaining trees, for five (5) years, and for new trees to be replanted. Seconded by Commissioner Saroyan and approved by the following vote:

AYES: Caddell, Saroyan, Meyers, Berling
NOES: None
ABSTAIN: None
ABSENT: Mosley

ORDERS OF BUSINESS

3. Public Works Director and City Forester's Monthly Reports for December 2019

Ms. Davis reviewed the December tree data report. Mr. Harary updated the Commission on beach and parks activities, capital projects related to forestry, parks and beach assets, and other items of interest to the Commission.

4. Proposed update of Municipal Code Chapters 12.28 and 17.48 both entitled "Trees and Shrubs" ordinance.

Ms. Davis gave a presentation regarding Municipal Code Chapters 12.28 and 17.48 and provide recommendations to staff.

The new City Forester and Director of Public Works have been reviewing administrative shortcomings associated with the Forest, Parks, and Beach Division and evaluating new methods, documentation, and accountability associated with forestry, parks, and beach assets. Issues and procedures to be evaluated and updated include tree inspections, removals, and pruning permits, annual tree surveys, permit fees, conversion of paper data into digital format, such as in the Geographic Information System, methodology for ensuring that required private tree plantings are indeed planted and maintained for five years, approved tree species list, updates of the Forestry Management Plan, other key documents, and many more.

5. Consideration of the adoption of a meeting calendar for 2020

Provide staff with direction regarding the 2020 meeting dates and adopt a meeting calendar for 2020.

The Commission asked to move the FBC Meeting to the following week in August, or the week before due to Car Week. Will follow up with more information at the next meeting.

ADJOURNMENT

There being no further business to come before the Commission the meeting was adjourned.

Michael Caddell, Chair

Yvette Oblander, Administrative Coordinator, Commission Secretary