

**TREE COMMITTEE MEETING MINUTES
MONDAY, JANUARY 25, 2010
Corporation Yard Conference Room
25 Prado Road, San Luis Obispo**

MEMBERS PRESENT: Matt Ritter, Ellen Dollar, David Savory, Craig Kincaid,
and Allen Root

STAFF PRESENT: Keith Pellemeier and Ron Combs

PUBLIC COMMENT

There were no public comments.

MINUTES: Approval of Minutes of November 23, 2009

Ms. Dollar requested that the discussion section of the 2075 Hutton St. item include the note that the applicant reported that falling limbs had broken utility lines.

Mr. Kincaid moved to approve the minutes as amended.

Ms. Dollar seconded the motion. The motion passed unanimously.

TREE REMOVAL APPLICATIONS

1. 1685 TANGLEWOOD (Coral tree)

The applicant discussed the removal request, stating he had concerns about long-term foundation damage being created by the roots, as there was evidence of a significantly large root running against the side of the house. He also stated most importantly, his young child had been eating the poisonous seeds and submitted documentation regarding extensive medical issues and expenses, along with a letter from the pediatrician, recommending the tree be removed to eliminate access to the seeds.

The applicant also felt the tree was too large for the area and as such, was preventing his family from enjoying the back yard. He noted that while the property was heavily planted, he would plant an olive tree as replacement.

Mr. Combs reported it was a large, beautiful tree but agreed it was creating hardship due to the child ingesting the seeds. He stated the tree had been severely topped and had large surface roots, which had caused some hardscape displacement.

The Committee discussed the item and agreed that while the tree was an attractive specimen, it should be removed due to the child's health concerns.

Mr. Kincaid moved to approve the removal request, based on undue hardship to the property owner, and required one 15-gallon olive tree to be planted on site within 45 days of issuance of permit.

Mr. Ritter seconded the motion. The motion passed unanimously.

2. 1709 CORRALITOS (Redwood)

The applicant discussed the removal request and agreed that while it was a beautiful tree, it should not have been planted right next to the driveway that then required continual extensive repairing. She stated that there was evidence of foundation and had been sewer/plumbing expense issues.

She also stated that the liabilities caused by the constant needle and cone shedding created slip/fall problems and often limited her mobility and access around her property. She felt the large limbs that broke in storms presented liability to pedestrians and parked vehicles and that pruning was too expensive for her fixed income. She stated the neighbors supported removing the tree and that she would replace it.

Mr. Combs stated it was a large, healthy tree.

Elizabeth Batchelor, resident, stated she walked in the area often and felt the tree was a majestic specimen and did not cause excessive problems with blanketing needles on the street. She felt it was a landmark tree that provided environmental and shading assets and suggested root pruning for mitigating some of the applicant concerns.

Elisa Leigin, applicant's daughter, reiterated that her mother was often "housebound" due to her inability to navigate around the tree's littering and that it was not an appropriate size for the site.

Mr. Kincaid and Mr. Root felt it was a magnificent tree, but planted in the wrong place.

Ms. Dollar agreed with evidence of undue hardship.

Mr. Savory felt some of the maintenance concerns were simply required tree maintenance and noted that removing the tree would be very expensive and that same cost could be spent maintaining the tree on an on-going basis to mitigate concerns.

Mr. Ritter noted that according to the ordinance, routine maintenance was not a criterion for undue hardship.

Terry Leigin, applicant's representative, stated the driveway work had been done only five years ago and the approach is now lifting and creating new problems. He noted a retaining wall had to be removed and replaced due to repairs performed and that he agreed needles and tree droppings created a pedestrian hazard, especially in the rain/damp times.

Mr. Root moved to approve the removal request, based on undue hardship to the property owner, and required one 15-gallon tree to be chosen from the Master Street Tree list and planted within 45 days of issuance of permit.

Ms. Dollar seconded the motion.

The motion passed, with Mr. Savory and Mr. Ritter voting against.

3. 355 N. CHORRO (Redwood)

Tony Flatos, applicant's representative, stated the giant redwood created liability issues due to significant displacement/sidewalk damage caused by the tree being situated on the sidewalk and that it was the wrong location for the massive tree. He stated the liability issues were magnified due to the property being a student rental.

Mr. Combs reported it was a large, healthy tree that was causing vertical displacement. He did not see any evidence of foundation damage.

Wedad Nelson, neighboring property Alta Vista Park board vice president, agreed the tree was a significant specimen but stated the sidewalk access was buckling and the roots were growing under the foundation of one of the units.

Mr. Root agreed it was a magnificent tree, but was planted in a very confined space.

Ms. Dollar suggested building a raised walkway to mitigate concerns about roots and sidewalk cracking. She also requested documentation confirming roots were intruding on the neighboring property.

Mr. Ritter agreed walkway and trip hazards could be addressed with creative building materials.

Mr. Kincaid moved to approve the removal request, based on undue hardship to the property owner, and required one 15-gallon tree to be chosen from the Master Street Tree list and planted within 45 days of issuance of permit.

Mr. Root seconded the motion.

The motion failed, with Mr. Savory, Ms. Dollar and Mr. Ritter voting against.

4. 2795 JOHNSON (Four eucalyptus)

Ron Rinnell, applicant's representative, stated that the applicant was concerned about the lifting sidewalk and the liability posed to their young children and to the public pedestrians. He noted the trees would be replaced with jacarandas.

Mr. Combs reported that the trees were large and healthy and did not feel there was not a lot evidence of damage at this point.

Mr. Ritter and Mr. Kincaid felt it was a poor species of tree to be planted by sidewalks and a bus stop.

Ms. Dollar felt the tree by the driveway was creating some sidewalk damage and power line invasion, but she did not think the other three trees were causing significant problems.

Mr. Ritter moved to approve the removal of the four trees, based on promoting good arboricultural practice, and required four 15-gallon trees to be chosen from the Master Street Tree list and planted within 45 days of issuance of permit.

Mr. Savory seconded the motion. The motion passed, with Ms. Dollar voting against.

5. 670 CHORRO (Two Canary Island pines)

Craig Hunter, property resident, stated the overgrown tree was too large for the area and was crowding out the growth of the surrounding trees. He discussed the severe pruning at the building side and the damage caused and felt it was the wrong location for the trees. He discussed a site replanting plan involving installing two Australian willows and a crepe myrtle as replacements.

Mr. Combs reported the trees were large and healthy, but were very crowded.

Mr. Ritter felt the trees were stressed and had possible insect infestation.

Mr. Savory felt one of the pines looked straight and suggested the smaller redwood could be removed to allow that pine to flourish.

Mr. Ritter moved to approve the removal of the two trees, based on promoting good arboricultural practice, and required two 15-gallon Australian willows and one 15-gallon crepe myrtle to be planted within 45 days of issuance of permit.

Mr. Savory seconded the motion. The motion passed unanimously.

6. 1807 CORRALITOS (Ficus)

Millien Werling, applicant's representative, discussed the root invasions under the sidewalk and slab and the damage caused to the sewer. She noted this was the second request for removal of the tree and that the property damage had been increasing over time.

Mr. Combs reported that the tree was large and relatively healthy.

Mr. Savory felt the tree was attractive and healthy and that the replaced sewer line should mitigate future sewer line problems.

Mr. Root felt the surface roots were a problem in the lawn and could pose further sewer line damage via root lifting of the new piping system.

Ms. Dollar noted there were other large trees in the yard, which was nicely landscaped.

Mr. Root moved to approve the removal request, based on promoting good arboricultural practice, and required one 15-gallon tree to be chosen from the Master Street Tree list and planted within 45 days of issuance of permit.

Ms. Dollar seconded the motion. The motion passed unanimously.

7. 1556 LA CITA COURT (Liquid amber)

This item had been withdrawn by applicant.

8. 184 SUBURBAN (Four eucalyptus and one pine)

Steve Franzman, applicant's representative, stated one of the major vendors had requested the trees be removed from the roofline, as they were conduits for vermin access. He did not feel that topping was realistic and suggested immediate crown reduction and staged removal of the trees and phased replacement with smaller species.

Mr. Combs reported that the trees were relative healthy and that any change to the commercial landscaping plan needs to be approved by Committee. He favored Mr. Franzman's removal/ replacement proposal.

Mr. Ritter moved to approve the removal request, based on promoting good arboricultural practice, and required 15-gallon trees to be chosen from the Master Street Tree list and planted on a staggered 1:1 removal/replacement ratio, as outlined by Mr. Franzman.

Mr. Savory seconded the motion. The motion passed unanimously.

9. APPEAL BY BUNYON BROTHERS TREE SERVICE

Mr. Pellemeier recapped the removal situation at 1161 Fredericks resulting in the illegal removal of a tree and the subsequent fine of \$3280.00.

He and Mr. Combs presented the Committee with specific details on measuring dbh based on ISA standards and as outlined in the ordinance.

Ron Rinnell, appellant, apologized for inadvertently removing a tree illegally, stating he did not fully understand the measurement process, particularly in regard the estimated the second branch dimensions into the dbh calculations. He also said that there seemed to be a miscommunication between staff and one of his trimmers regarding the "go ahead" to proceed within the requirements during a site visit.

He further stated he was in favor of retaining trees as often as possible and that his company endeavored to work cooperatively with city staff and meet all tree ordinance requirements and that this was a mistake for which he took responsibility.

He stated he was appealing the fine and asked that if a fine were to be upheld, he be allowed to work with the city for services in trade.

Mr. Pellemeier stated that the city could not accept work in lieu of money and that the Tree Dept. would not accept work from a non-certified arborist.

Mr. Kincaid stated that while a mistake had been made, he did not feel there was intention by Mr. Rinnell to illegally remove the tree. He suggested requiring Mr. Rinnell become ISA board-certified as a consequence in lieu of a monetary fine.

The Committee discussed aspects of precedent-setting re fine reductions and dismissals.

Mr. Pellemeier suggested reducing the fine by 50% and requiring Mr. Rinnell to obtain his certified arborist license within six months.

The Tree Committee discussed staff suggestions.

Mr. Kincaid moved to reduce the fine to \$1400, payable in four monthly installments of \$350 commencing immediately, and to require Mr. Rinnell to obtain his ISA Arborist certification no later than October 25, 2010. He further moved that if the certification was not obtained by the due date and evidenced to city staff, the balance of the full \$3280 fine will be due and payable. The four payments of \$350.00 should be received February first, March first, April first and May first, 2010.

Mr. Ritter seconded the motion. The motion passed unanimously.

NEW BUSINESS

1. Arbor Day Art/Poetry Contest judging

The Committee chose to meet and judge the entries on March 29, 2010 at 5 p.m. at the Corporation Yard.

OLD BUSINESS

There was no discussion at this time.

ARBORIST REPORT

Mr. Combs reported that there were not a significant number of trees lost in the last round of storms and the crews had performed typical storm damage control.

LIAISON REPORT

1. Update on Tree Inventory

Mr. Pellemeier reported that the survey of street/parks trees was completed and survey listed approximately 18,000 trees.

2. Schedule Tree Regulations workshop or comment process

Mr. Pellemeier asked members if they preferred a workshop or email process to handle submission of further comments to the ordinance prior to Council submission.

The Committee agreed to email any input/changes to Mr. Pellemeier to include with staff recommendations to Council.

3. Illegal tree trimming at Costco

Mr. Pellemeier noted 67 sycamores had been topped in the parking lot and that he felt Costco should bear the cost of salvaging them and maintaining them in the future and that said corrective pruning needed to be performed by a certified arborist.

4. Plant 100 trees this year

Mr. Pellemeier reported that 100 street trees had been planted as replacements.

5. Tree Committee decisions regarding Public Works requests

Mr. Pellemeier reported that a Council member had expressed concern that the Tree Committee might feel undue pressure or staff coercion to approve removal requests that came from the Public Works Dept.

The Committee unanimously affirmed that at no time did they feel pressure construed or implied to categorically approve Public Works requests and that they felt free to approve and deny requests as they believe warranted.

There was some further discussion outlining many examples of when they had, in fact, denied removal requests from the Street Dept.

The meeting adjourned at 7:45 p.m. to next regular meeting scheduled for **Monday, February 22, 2010**, at 5:00 p.m. in the Corporation Yard Conference Room, 25 Prado Road.

Respectfully submitted,
Lisa Woske, Recording Secretary