

AGENDA

ROSSMOOR COMMUNITY SERVICES DISTRICT

TREE COMMITTEE MEETING

RUSH PARK
Administration Building
3001 Blume Drive
Rossmoor, California

Tuesday, March 26, 2019
7:30 a.m.

A. ORGANIZATION

1. CALL TO ORDER: 7:30 a.m.
2. ROLL CALL: Directors DeMarco, Nitikman
3. PLEDGE OF ALLEGIANCE
4. PRESENTATIONS: None

B. PUBLIC FORUM

Any person may address the members of the Tree Committee at this time upon any subject within the jurisdiction of the Tree Committee of the Rossmoor Community Services District.

C. REGULAR CALENDAR

1. CITIZEN REQUEST TO HAVE PARKWAY TREE REMOVED
2. VIOLATION PENALTIES FOR UNAUTHORIZED PRUNING OF PARKWAY TREES
3. RESIDENT REFUSALS OF PARKWAY TREE PLANTINGS

D. ADJOURNMENT

CERTIFICATION OF POSTING

I hereby certify that the attached Agenda for the Tuesday, March 26, 2019, 7:30 a.m. Rossmoor Tree Committee Meeting of the Rossmoor Community Services District was posted at least 24 hours prior to the time of the meeting.

ATTEST:



JOE MENDOZA
General Manager

Date 5/22/19

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM C-1

Date: March 26, 2019

To: Trees/Parkways Committee

From: General Manager

Subject: **Citizen Request to Remove California Sycamore Tree from Parkway**

RECOMMENDED ACTION

RCSD General Manager recommends that the Tree Committee review and respond to resident Tim Murphy's concern regarding the California Sycamore parkway tree in the parkway in front of his home and his repeated requests to RCSD to have the tree removed and replaced.

BACKGROUND

Rossmoor resident Tim Murphy at 11262 Martha Ann Dr. has made numerous request over the past four years to have the tree in the parkway in front of his home removed. Since the tree did or does not qualify for removal under RCSD Policy 3080, his removal requests have been denied on all occasions. The tree in question is a *Platanus racemosa*, otherwise known as California Sycamore. It is approximately 60 years of age and has an estimated value of \$17,200.00. When inspected on each occasion of removal request by the resident, there was no indication of pest or disease found within the tree. The tree has been pruned regularly as shown on the attached tree pruning history report.

ATTACHMENTS

1. Statistics on California Sycamore tree inventory in Rossmoor
 2. Tree pruning history report for tree at 11262 Martha Ann Dr.
 3. Photos of limb from tree at 11252 Martha Ann Dr. that caused vehicle damage, along with tree pruning history report for tree
 4. Email correspondence between Tim Murphy and District Tree Consultant Mary Kingman
-

Statistics on California Sycamore tree inventory in Rossmoor

- Species: *Platanus racemosa* – California Sycamore
 - Tree native to California
 - Life expectancy average of 200 years, but this can vary according to location, soil type, tree care practices and pest/disease prevalence.
 - The majority of these trees were planted when community was built in the late 1950s, making the average age of these trees 60 years
 - There are 287 of these trees in Rossmoor
 - The majority of these trees are planted on Martha Ann Dr. but also planted on 28 other streets and in Rossmoor parks
 - The average height is 60'
 - Total estimated value for all 287 California Sycamore trees is \$2,919,020.00
 - 67 recorded failures of 2" or greater diameter limbs on Rossmoor California Sycamores since 2012
 - 3 claims of property damage from Rossmoor California Sycamores since 2012. All were vehicle related damage
 - There have been zero reports of personal injury from Rossmoor California Sycamores since at least 2012 when current District Arborist began keeping records.
 - 11 California Sycamore trees removed since 2015 due to disease from PSHB
-

Tree pruning history report for tree at 11262 Martha Ann Dr.

District	Address	Location	Species	DBH	Height
1	11262 MARTHA ANN DR	Front-1	<i>Platanus racemosa</i> CALIFORNIA SYCAMORE	31+	60+

Maintenance **Valid** **Est. Value** **Utility** **Parkway**
Grid/Routine Trim Yes \$17,220 No 6

Crew	Date	Work Type / Comments	Job # / Acct #
WCA	12/29/2015	Tree Pruning > 18 DSH	31620
WCA	04/11/2013	Tree Pruning > 18 DSH	22461
WCA	09/13/2011	Tree Pruning > 18 DSH	19247
WCA	07/16/2007	Tree Pruning > 18 DSH	11116
WCA	05/19/2004	Tree Trimming > 18 DBH	6087
WCA	01/31/2003	Tree Trimming > 18 DBH	5167
WCA	03/28/2000	Trim over 18" dbh	2894

Photos of limb from tree at 11252 Martha Ann and tree pruning history report for tree



District Address	Location Species	DBH Height
1 11252 MARTHA ANN DR FRONT-1	<i>Platanus racemosa</i> CALIFORNIA SYCAMORE	31+ 60+

Maintenance	ValidEst.	Value	Utility	Parkway
Grid/Routine Trim	Yes	\$17,220	No	6

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Email Correspondence Between Rossmoor Resident Tim Murphy and District Arborist Mary Kingman

In a message dated **3/24/2015** 8:53:28 A.M. Pacific Daylight Time, writes:

Dear Lee Lindquist. My name is Tim Murphy and I have been a Rossmoor resident now for 25 years. I live at 11262 Martha Ann drive. I would like to schedule an appointment to meet with you regarding the giant sycamore tree in my parkway. I am a tree lover and love the fact that our community is passionate as well. However, I have many concerns about the health and safety of my family and personal property that need to be addressed by the RHA as well as the county of orange. With a new grand daughter who will soon be playing out front, and with several near misses of LARGE branches that have fallen or snapped off (I have a 7' section from one occurrence that I have saved) it is time to replace this tree with a healthy and safe one that we can enjoy. My sidewalk is now a safety issue as the roots have raised another section AGAIN, and my parkway is very little more than raised and exposed roots. In addition to this, I have records of over \$10,000 spent on plumbing repairs related directly to the parkway tree. My front yard is also root infested and raised roots are tripping hazards. Trees are meant to be enjoyed and this problem has become way to BIG and needs to be addressed. My discussion in our meeting will be to verify all the above information and to begin executing a plan to replace the tree with a new healthy safe one and to take care of the immediate problems that I have brought to your attention. I look forward to hearing from you soon. Sincerely, Tim Murphy

On **Mar 30, 2015**, at 9:49 AM, Mary Kingman <mkingman@rossmoor-csd.org> wrote:

Dear Mr. Murphy,

This is the first email or contact that I've received about your request. In future, you may contact the RCSD directly for any requests concerning the parkway trees since it is our agency that manages the park and parkway trees of Rossmoor.

Orange County Public Works should be called regarding the raised sidewalk. They will come out and repair or replace as necessary. The number to reach them: (714) 955-0200.

As I have told Mrs. Murphy in the past, the last conversation being on 4/8/13, it is RCSD policy to not remove healthy trees and the Sycamore in the parkway in front of your home does not qualify for removal. Root issues, spider infestations or an occasional falling branch are not reasons that would qualify the removal of this tree, which has a value of \$17,000. The large trees on Martha Ann also provide natural pollution protection for the community, this important with the busy freeway

nearby. 100 large, mature trees can remove 12 tons of Carbon Dioxide and 646 pounds of other air pollutants.

Plumbing issues from roots are caused by old clay sewer laterals that crack and seep water, which the roots of the trees then seek out. Repairing the leakage or replacing the sewer line will correct the tree root problem. I did order an off-grid trim on the tree in April 2013 and the tree is scheduled for its regular grid trim later this year in late August or September. Please continue let me know of any branch failures as well, so that we can continue to keep a record of the size and frequency of them.

Thank you,

Mary Kingman

Tree Consultant

mkingman@rossmoor-csd.org

www.rossmoor-csd.org

*Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
562.430.3707*

Sent: Monday, March 30, 2015 11:54 AM

To: Mary Kingman

Subject: Re: Parkway tree

Thank you for getting back to me. I felt I did contact RCSD in my email on 3/24. I heard back from Mr. Gekler immediately who stated he would forward my email to both you and Mr. Lindquist. I heard from Mr. Linguist but was never contacted by you, hence my email to the county this morning.

My primary issue as I stated is the safety of my family and new grand daughter.

Episodes of branch failure may not seem to be an important issue to you but is extremely important to me. Some of the failures we have had recently are not small branches or twigs. They are failures that can cause extreme injuries or death. There have been several, many in fact sycamore trees removed from Martha Ann residences. They have been replaced with new and prospering trees.

Healthy trees don't drop new green leafs spotted with fungus. Many of these branches are rotten from the inside out. I also have large roots in my front yard that have been tripped on by my family as we gather. My steps will be in the future to document any injury with the sheriffs department and will hold the RCSD responsible and liable based on the tracking of my concerns stated in these documented emails. I will also consider hiring an arborist to get a professional opinion as to the Heath of this tree. I will reiterate that I love trees and realize

their importance to our community and environment. I don't feel my concerns are unwarranted in this matter. Tim Murphy

Sent: Monday, March 30, 2015 11:54 AM

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On **Mar 30, 2015**, at 1:00 PM, Mary Kingman <mkingman@rossmoor-csd.org> wrote:

Mr. Murphy,

I apologize for any delay in response. I did not receive the email on 3/24/15, I only received an email from Mr. Gekler today.

I would recommend documenting all branch failures and you would need to report them to me or RCSD so that we can inspect and keep a record. Tree roots on private property are not the responsibility of RCSD or Orange County and should be removed by homeowner.

Thank you,

Mary Kingman
Tree Consultant

mkingman@rossmoor-csd.org

www.rossmoor-csd.org

Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
562.430.3707

On Mar 30, 2015, at 1:34 PM, Tim Murphy wrote:

Funny how your property, the tree, pushing extensions of itself on to my property become my problem and responsibility. If the tree is yours, it's yours and all of its parts as far as I am concerned. Amazing. So noted and documented.

-----Original Message-----

From: Tim Murphy

Sent: Friday, April 17, 2015 7:36 PM

To: Mary Kingman

Subject: Branch failure!!!! Again



-----Original Message-----

From: Tim Murphy

Sent: Monday, August 03, 2015 11:06 AM

To: Mary Kingman

Subject: Tree

Branch failure!!!



>> From: Tim Murphy

>> Sent: Tuesday, January 09, 2018 4:54 PM

>> To: Mary Kingman

>> Subject: Tree removal

>>

>>

Hello Mary, this is Tim Murphy at 11262 Martha Ann requesting my giant sycamore be removed and be replaced by a new healthy tree that we can enjoy. Interesting that I talked to my neighbor who wrote you one email requesting removal because his 3 children won't play out front because of branch failure that you and I have discussed multiple times. I'm very aware of the history of all the trees in my area since I've lived in my home for 28 years. I know the tree next door had a large branch break and a service crew came out and removed it for them. It was a large break but no larger than the one I had years ago that actually fell to the ground. I now have 3 grandchildren that we watch with another one on the way who don't play in my front yard specifically because I don't trust the integrity of the tree branches. He mentioned that he was told that his tree was topped at some point which is absolutely false as I have lived next to that tree for the number of years mentioned above. I continue to have branch failure as do many of the giant sycamores that line our street. I would like to be placed on the tree removal list as my neighbor has been for 2018. I look forward to your response to my inquiry and request.

>> On **Jan 10, 2018**, at 12:01 PM, Mary Kingman <MKingman@rossmoor-csd.org> wrote:

Mr. Murphy,

The trees in the parkways belong to the Community of Rossmoor and are managed by RCSD, they are not individually owned by residents.

The trees are inspected individually, so the fact that a tree in front of your neighbor's home is being removed would not mean that the tree in front of your home also qualifies for removal. I inspected the tree in front of 11262 Martha Ann Dr. on 9/20/17 and the tree did not qualify for removal. As I have stated in the past, please inform RCSD of any limb failures that are larger than 2 inches in diameter so that I may inspect the limb and the tree at that time to determine what caused the failure.

Thank you,

Mary Kingman

RCSD Tree Consultant

ISA Certified Arborist #WE-11440A

mkingman@rossmoor-csd.org

www.rossmoor-csd.org

Rossmoor Community Services District

3001 Blume Drive, Rossmoor, CA 90720 562.430.3707, Ext. 106

From: Tim Murphy

Sent: Saturday, **December 08, 2018** 6:35 PM

To: Mary Kingman

Subject: Re: Parkway tree

Hello Mary. Tim Murphy 11262 Martha Ann drive. We just had a large branch break on the sycamore tree next door 11252. The branch went through the front windshield and in to the passenger side of the vehicle. It would have killed anyone sitting in that seat. It also dented the hood of the vehicle, obviously. These trees are fragile and unhealthy as I have stated on many occasions. They need to be systematically removed and replaced. As I have noted, in my previous emails, if anything were to happen to any of my family as a result of "branch failure", I will own this community for its failure to protect my family in ignoring my multiple request to have the tree in front of my property removed and replaced. Thank you!

On **Dec 10, 2018**, at 9:40 AM, Mary Kingman <MKingman@rossmoor-csd.org> wrote:

Mr. Murphy,

Thank you for informing me of the branch failure at 11252. I have been in contact with the resident who was affected by this.

I do not have the authority to accommodate your request to remove the healthy parkway tree from the parkway in front of your home and to systematically remove

and replace the 290 California Sycamore trees in Rossmoor parkways. I will include your request on the agenda for the next RCSD Tree Committee Meeting. The meeting should take place in early January, 2019. Your previous requests and all email correspondence will also be included as attachments to the agenda item. You will receive a copy of the agenda before the meeting takes place.

Thank you,

Mary Kingman
RCSD Tree Consultant
ISA Certified Arborist #WE-11440A
mkingman@rossmoor-csd.org
www.rossmoor-csd.org

Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
[562.430.3707](tel:562.430.3707), [Ext. 106](tel:562.430.3707)

From: Tim Murphy
Sent: Monday, **January 14, 2019** 2:17 PM
To: Mary Kingman
Subject: Fwd: Sycamore Tree

Ms Kingman. I hired and paid Chris to evaluate the tree in the parkway that we have discussed during the years. I would contest that the tree is not as "healthy" as you continue to tell me based on his findings. I now have 4 grandchildren who we watch. We have a pool in our backyard so the front yard is where we must go to have outside time. I asked Chris if he would allow his grandchildren to play out front and he indicated that if it were windy, certainly not. There is currently a small 1 inch branch broken and hung up on a large limb that Chris stated if it were to fall it could hurt somebody. All I want is a tree out front that we can feel safe under without worry of branch failure. What you may consider Normal branch failure does not provide my family the safety that I expect. If you don't want to support tree removal I would like to present my case and feelings on this matter to the association. If something bad were to happen to my family or property, I want all opposition to be properly documented. Thank you Ms. Kingman.

Sent from my iPhone
Begin forwarded message:

From: Chris Meador <rcmarbor@gmail.com>
Date: January 14, 2019 at 1:44:53 PM PST
To: [REDACTED]
Subject: Sycamore Tree

Tim,

I inspected your tree, a California Sycamore, and found the following items of concern:

There are frass droppings (reddish sawdust-like masses) on the trunk in the gnarled bark areas. This is indicative of the Sycamore borer (possibly the Clearwing Moth larvae). Borers tunnel into the cambium layer (the circulatory layer) and heartwood of the tree and can cause branches to break and fall mainly from weakening by the tunneling of the larvae. They like older trees and especially ones weakened by drought like the drought we have experienced the last several years.

I also found fruiting bodies (mushrooms) in the lawn and planter areas of your property (armillaria) a fungus (root rot) that often appears at the base of a tree or in lawns where roots are present. They indicate decay in the roots below. I am told that the sidewalk has been removed and replaced twice in the last 20-25 years with many roots near the tree being cut to fit the walkway. The tree is in a very confined space and also has no supplemental irrigation so probably sustained some damage from a lack of water during the drought that could encourage the root rot and borer infestation.

I noted other Sycamores on your block have broken branches as well. Does your association have records available to you of past evaluations and assessments of the trees? How often are these trees pruned?

Currently, the soil is saturated (10 on a scale of 2-10 on my tensiometer). This could be from the amount of rain we have had recently.

Other defects I noted are some co-dominant stems with included bark. These are defects we note when performing a tree risk assessment. Noted because they are weak areas subject to decay, load factors (weight on branches), strong wind, and storms.

Nothing points to an immediate need for removal without further advanced testing and assessment. However, since you have already experienced some branch failure in your yard, I would encourage you to contact your association and request more assessment of the tree. Photo on separate e-mail.

CHRIS MEADOR

RCM ARBOR CONSULTING

25422 Trabuco Road, Suite 105-310

Lake Forest, CA 92630

714 305 7878

rcmarbor@gmail.com

On Jan 14, 2019, at 2:45 PM, Mary Kingman <MKingman@rossmoor-csd.org> wrote:

Mr. Murphy,

As I mentioned, your request will be presented at a Tree Committee meeting. Please send the actual arborist report and risk assessment that Mr. Meador provided so that I can include that in the agenda report.

Thank you,
Mary Kingman
RCSD Tree Consultant
ISA Certified Arborist #WE-11440A
mkingman@rossmoor-csd.org
www.rossmoor-csd.org

Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
[562.430.3707](tel:562.430.3707), Ext. 106

From: Tim Murphy
Sent: Monday, January 14, 2019 3:09 PM
To: Mary Kingman
Subject: Re: Sycamore Tree

Chris provided me with the email I sent you. It is an additional expense for him to complete a full report so he agreed to send an email with some of his findings and concerns to share with you and the association. He indicated in a phone conversation I had with him this morning that he would be happy to talk to you if you wanted to give him a call. He indicated you knew each other. Thank you

On Wed, Feb 13, 2019 at 4:11 PM Mary Kingman <MKingman@rossmoor-csd.org> wrote:

Hi Chris,

You did an arborist assessment on a District tree for a resident, Tim Murphy. Mr. Murphy has made several requests for removal over the past years, which have been denied. I had scheduled his latest removal request to go on the agenda for our Tree Committee to review. Before I write up the report for this agenda item, I just wanted confirmation from you on a few findings that you sent to Mr. Murphy as

part of your evaluation. We will likely be hiring an independent arborist to evaluate the tree as well.

- Armillaria mellea – can you please confirm that you positively ID'd this fungus growing off of the roots of this tree?
- Clearwing Moth frass – most of our mature Sycamores have evidence of borer frass and I have not had issues with limbs or branches failing due to borer tunneling, other than those infected with Fusarium from PSHB. Can you confirm that you believe the evidence of frass to be a cause of limb failure in a mature Sycamore?
- Co-dominant stems – Did you happen to take photos of the co-dominant stems that have included bark that you were referring to on this tree and if so, can you please send to me?

Thank you in advance for your help in this matter.

Mary Kingman

RCSD Tree Consultant

ISA Certified Arborist #WE-11440A

mkingman@rossmoor-csd.org

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3001 Blume Drive, Rossmoor, CA 90720

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On Sat, Feb 16, 2019 at 11:32 AM Chris Meador <rcmarbor@gmail.com> wrote:

Hello, Mary

I was only hired for a consultation by Mr. Murphy, not a tree risk assessment. I noted the issues I saw and recommended he contact his association for further assessment. I noted the Armillaria in the lawn, but as you know, it will appear and be gone in a few days and re-appear later. I saw where a branch or two had been broken off and noted other trees in the area had experienced this as well. With the presence of the frass indicating borers, it is possible, maybe even likely that the boring could weaken branches enough to break in storms and winds. I do not have a photo specifically of codominant stems or included bark, but I did note their presence. Please call me if you would like to discuss further.

Thank you,

ChrisFrom: Chris Meador [mailto:rcmarbor@gmail.com]

Sent: Saturday, February 16, 2019 11:36 AM

To: Mary Kingman

Subject: Re: FW: Sycamore Tree

PS

I did recommend a hazard pruning for his tree to identify and remove any hazardous, dead or diseased branches. I didn't think a removal was necessary.

My phone - 714-305-7878

CHRIS MEADOR

RCM ARBOR CONSULTING

25422 Trabuco Road, Suite 105-310

Lake Forest, CA 92630

714 305 7878

rcmarbor@gmail.com

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM C-2

Date: March 26, 2019

To: Trees/Parkways Committee

From: General Manager

Subject: **Violation Penalties for Unauthorized Pruning of Parkway Trees**

RECOMMENDED ACTION

RCSD General Manager recommends that the Tree Committee consider set penalties for the unauthorized pruning of or damage to trees in Rossmoor parkways.

BACKGROUND

Despite efforts by the RCSD Urban Forestry Department to inform and educate the residents of Rossmoor about the District Tree Protection Policy continues to be a high incidence of unauthorized pruning of Rossmoor Parkway trees. While, there is no set enforcement procedure in place for this type of violation. For unauthorized removal of a parkway tree, the penalty imposed is the value of the removed tree, plus cost for a replacement tree. As the Committee will recall, there was a recent case of unauthorized removal that ended up in litigation, with the judgment in that case awarded to RCSD.

RCSD Policy No. 3080, section 82 states the following: **Pursuant to Government Code Section 61621.5(c), Resolution 99-1-13-1 provides that the County has granted the District the power of a county road commissioner to regulate certain activities. In its role as a County Road Commissioner, the District may regulate and perform certain activities in connection with the planting, removing, cutting, injuring or destroying any tree, shrub, plant or flower growing on any parkway or median. Pursuant to Government Code Section 61621.5(c) and Streets and Highways Code Section 1460, anyone who violates this policy will be subject to the appropriate legal remedy including liability for all expenses and damages caused thereby to the County and District and could be found criminally liable for a misdemeanor.**

ATTACHMENTS

- Statistics of unauthorized pruning of parkway trees in Rossmoor
- Photo examples of unauthorized parkway trees in Rossmoor
- Draft/Proposal for penalty fee schedule for unauthorized tree removal or pruning
- Violation Penalty Details of Tree Protection Ordinances of Various Cities in California

Statistics of Unauthorized Pruning of Parkway Trees in Rossmoor

Year	Address Count of Address
2013	13
2014	14
2015	15
2016	11
2017	14
2018	10
Grand Total	77

Plus 12 additional violations so far in 2019, making total 89

* There were a total of 17 repeat violations – trims that occurred after at least one violation letter along with copy of RCSD Policy 3080 were sent to residents

Photo Examples of Unauthorized Pruning

2842 Brimhall Dr.



2631 Piedmont Ave.



11581 Montecito Rd.



2741 St. Albans Dr.



Draft/Proposal for RCSD Penalty Fee Schedule for Unauthorized Tree Removal or Pruning

- Upon first violation for unauthorized tree pruning a fine of \$500.00 will be imposed
- Upon Second violation for unauthorized tree pruning a fine of \$1000.00 will be imposed
- Upon third violation for unauthorized tree pruning a fine of \$1500.00 will be imposed
- If more than 50% of a tree's live crown is removed during unauthorized pruning, a fine equaling one third the value of the tree will be imposed with the provision that if the tree dies or becomes diseased and/or hazardous in the future and requires removal, the homeowner will pay the District and additional \$870.00 for a 36" box replacement tree.
- Upon unauthorized tree removal a fine equaling one third the value of the tree will be imposed. Additionally, the cost of \$870.00 for one 36" box replacement tree will included in the fine amount.

Violation Penalty Details for Urban Forestry Tree Protection Ordinances of Various Cities in California

Listed below are tree violation ordinance and penalties for unauthorized and illegal tree pruning or removal of parkway trees:

- **San Francisco, CA**

SEC. 811. PENALTIES FOR VIOLATION OF ORDINANCE. (a) Criminal Penalties. Violation of any of the provisions of Sections 806, 808, 810(f)(I), 810A(b), and 810B of this Article shall be chargeable as an infraction or a misdemeanor. Every violation determined to be an infraction is punishable by a fine of \$200 for a first violation and \$400 for each additional violation within one year. Every violation determined to be a misdemeanor is punishable by a fine not exceeding \$1,000 and/or imprisonment in the County Jail for a period not to exceed six months, for each offense. (b) Civil Penalties and Fees. (1) The Director may call upon the City Attorney to maintain an action for injunction to restrain or summary abatement to cause the correction or abatement of the violation of this Article, and for assessment and recovery of a civil penalty and reasonable attorneys fees for such violation. (2) Any person who violates this Article may be liable for a civil penalty, not to exceed \$500 for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City by the City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred; and the willfulness of the defendant's misconduct. The City Attorney also may seek recovery of the attorneys' fees and costs incurred in bringing a civil action pursuant to this Section.

(c) Administrative Penalties. (1) In addition to the penalties set forth in Subsections (a) and (b) above, the Director may require any person who removes, injures, or destroys a tree in violation of the provisions of this

Article to pay a sum of money equal to the tree's replacement value or the diminishment of the tree's value as set forth in the current edition of the Guide for Plant Appraisal (Council of Tree and Landscape Appraisers).

- **Manhattan Beach, CA**

Administrative fines for violations of the regulations are allowed. Fines are placed in a Tree Canopy Restoration Fund to plant new trees throughout the City. Fines can be up to the cost of an equal size replacement tree or the appraised value of the tree, whatever is higher

- **Arcadia, CA**

2. Restitution-Civil Penalties. (a) It has been determined that the protected trees within the City are valuable environmental assets to the citizens of this community and as a result of the loss of any of these protected trees, the public should be recompensed, and penalties applied to assure the primary goal of conservation, protection, and preservation of protected trees as set forth in this Chapter. (b) Accordingly, any person violating the provisions of this Chapter shall be responsible for proper restitution including but not limited to the following or any combination thereof: (1) payment of a fine, (2) replacement the protected tree, which has been removed, and/or (3) planting new protected trees or other trees which may be more appropriate to the site. Replacement shall be made based on the value or the actual replacement cost, whichever is higher, plus the cost of planting the replacement trees. The type, number, size and location of said equivalent replacement trees shall be determined by the Director of Development Services or designee. (c) Tree values shall be established as provided in the tree evaluation formula, as prepared by the International Society of Arboriculture "Guide to Establishing Value for Trees and Shrubs." (d) The City Attorney is authorized to take whatever legal steps are necessary for recovery of civil penalties.

- **Beverly Hills, CA**

VIOLATION A violation of any provision of this Ordinance shall constitute a misdemeanor punishable in the manner provided by Article 1, Chapter 3, Title 1 of the Beverly Hills Municipal Code. Each and every tree removed or damaged in violation of this Ordinance shall constitute a separate offense. PENALTIES In addition to any punitive action pursuant to a misdemeanor charge, the City may also require restitution by either: 1. Planting a replacement tree of the same species and size as the tree removed or damaged, or 2. Paying a cash contribution to the City in an amount equal to the estimated replacement value of the removed or damaged tree as determined by an arborist approved by the City.

- **Claremont, CA**

12.26.110 Violation-Penalty. A. Any violation of this chapter shall be a misdemeanor or infraction at the discretion of the city attorney or district attorney. B. Irrespective of and cumulative to any criminal conviction for a violation of this chapter, the City may, pursuant to Government Code Section 36901, impose a civil penalty in an amount not exceeding one thousand dollars on any person who commits a violation of this chapter. The City may recover the penalty either through an administrative hearing or a civil action brought either by the city attorney or a designated employee of the City. C. Irrespective of whether the City pursues criminal and/or civil action under this chapter, nothing in this chapter shall prevent the City from seeking restitution for damage to City property as an alternative to criminal action and/or civil action to recover a civil penalty in accordance with subsection (B) of this section. (07-04)

- **City of Hollywood, CA**

4.11: Enforcement and Penalties The City Manager shall designate city personnel to be responsible for implementing and enforcing the provision of the City Tree Ordinance. Violation of the general provisions of the City of Hollywood's Tree Ordinance shall, upon conviction thereof, be punishable by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment for not more than 60 days, or by both, such fine and imprisonment by the discretion of the court. Each and every tree, as defined in Chapter 106 of the City of Hollywood Code of Ordinances, that is damaged, defaced, destroyed or removed in violation of this chapter, shall constitute a separate and distinct violation. An individual shall be in violation of the ordinance if the trees are not relocated or replaced within 60 days of granting of the tree removal permit; however, if the trees are to be removed to facilitate construction, said relocation or replacement must be completed prior to issuance of a certificate of occupancy. An individual shall be in violation of the ordinance if the trees to be relocated or replaced are not maintained in a healthy condition for a period of one year.

- **Santa Rosa, CA**

17-24.130 Replacement trees.

In lieu of prosecution under Section 17-24.110, any person who alters, removes, or relocates a tree, or who permits or causes to be altered, removed or relocated any tree in violation of any provision of this chapter, may petition the Director for permission to replace each tree so altered, removed, or relocated, with four replacement trees for each six inches or

fraction thereof of the diameter of each tree which was altered, removed or relocated without a permit, each of the same genus and species, each of a minimum 15-gallon container size, to be planted on the property on which the violation was committed. If approved by the City Attorney, the Director may grant the petition, with or without conditions, if he finds that the proposed replacement trees will substantially restore the property environmentally to a condition equal to its condition prior to the violation. Each such replacement tree shall be deemed and considered a "protected tree" under the provisions of this chapter. The conditions imposed by the Director may include requirements for security to insure the tree's successful establishment and proper care for a stated period of time. The Director may also authorize the planting of a lesser number of larger trees or a larger number of smaller trees than specified if he finds that either adjustment will be more beneficial to the permanency of all trees on the property. (Ord. 3699 § 3, 2005; Ord. 2858 § 1, 1990)

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM C-3

Date: March 26, 2019

To: Trees/Parkways Committee

From: General Manager

Subject: Resident Refusals of Parkway Tree Plantings

RECOMMENDED ACTION

RCS D General Manager wishes to inform the Committee on vacant tree sites, including 3262 St. Albans Dr. and 3272 St. Albans Dr. where residents have refused tree planting and/or have installed material in parkways that prohibit space for a tree to be planted. RCS D has recognized that this issue needs to be reviewed and how the District can legally require residents to have at least one tree planted in each parkway as stated in Policy 3080.

BACKGROUND

There are currently a total of 34 tree vacant parkways in Rossmoor that residents have refused tree planting and where planting has not been enforced. In April 2018 a neighbor of 3252, 3262 and 3272 St. Albans sent a letter requesting that trees be planted in parkways of both addresses. The resident at 3252 St. Albans Drive has agreed to the tree being planted. The resident at 3262 St. Albans Drive has not been cooperative about having a tree planted and has installed plastic edging material in parkway that prohibits space for a tree to be planted. The resident at 3272 St. Albans has not been cooperative about having a tree and has installed small boulders throughout the parkway that prohibits space for a tree to be planted. Orange County Public Works has advised that there may be a code enforcement issue with these parkways and that they can investigate potential unpermitted parkway alterations.

ATTACHMENTS

1. Email correspondence with Orange County Public Works Code Enforcement
2. Photos of parkways at 3262 St. Albans Dr. and 3272 St. Albans Dr.

Email Correspondence Between Mary Kingman and OCPW Code Enforcement

From: Mary Kingman <MKingman@rossmoor-csd.org>

Sent: Wednesday, November 28, 2018 12:39 PM

Subject: Rossmoor Parkways

Good afternoon,

My apologies if this is not your department, but I am trying to figure out what RCSD can do about parkways that residents have landscaped in a way that does not allow a tree to be planted. RCSD District Tree Policy No. 3080 that states the following:

3080.20 Tree Planting and Nurturing: All parkways at private residences shall have at least one tree, where feasible, and those currently without a tree(s) will have a tree(s) planted by the District as funds become available. Appropriately spaced tree plantings are required along the parkways of public properties, where feasible (e.g. parks, schools, flood control channels, etc.).

We have several addresses that do not have space for a tree. At the moment, I am dealing with two in particular, but the outcome of these may affect decisions on similar parkway tree issues. The addresses are 3262 and 3272 St. Albans Dr. A neighbor that lives close to these residences has requested that trees be planted in the parkways for the purpose of neighborhood beautification and the increased property values that parkway trees will bring. Her concern being that there are three parkways in a row without trees. I am working with the third resident at 3252 St. Albans Dr. to get a tree planted, as this parkway has space for tree planting.

3262 St. Albans Dr. has installed plastic edging in a way that removes space for tree planting.

3272 St. Albans Dr. has installed small boulders across the parkway, also removing tree planting space.

Any help in this matter would be greatly appreciated.

Thank you,

Mary Kingman

RCSD Tree Consultant
ISA Certified Arborist #WE-11440A
mkingman@rossmoor-csd.org
www.rossmoor-csd.org

Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
[562.430.3707, Ext. 106](tel:562.430.3707)

From: Cox, Terry
Sent: Thursday, November 29, 2018 10:05 AM

Hello Ms. Kingman,

In the event that parkway landscaping has been altered in such a manner as to require a permit, Neighborhood Preservation (Code Enforcement) can work with the responsible property owners to resolve the matter (i.e. permits, approved/permitted landscaping). Though elevated levels of enforcement may be employed when dealing with uncooperative parties, our goal is always to try to work with the properties owners in order to achieve voluntary code compliance whenever/wherever possible.

Please note that the County of Orange enforces the Orange County Codified Ordinances and other adopted/recognized local, state and federal codes/laws, but does not enforce local CC&Rs. CC&Rs are considered to be a civil agreement between the property owners/responsible parties and homeowner's association/community organization involved. As such, the association/organization would have to enforce the CC&Rs established for the Rossmoor community.

If you would like us to investigate potential un-permitted parkway alterations, please feel free to forward any/all addresses to Sonia Ortiz and Alaura Vo without team (they are included on this email). They receive, process and assign for follow-up any/all concerns that are reported to our team. Should you have any questions, please feel free to contact either Cora Villegas or Leila Holtzen (both included on this email) as they are the code enforcement officers assigned to the Rossmoor area (as well as a number of other unincorporated islands in the general vicinity).

Hi Mr. Cox,

Thank you for the information. We always attempt to work with homeowners first, but we will contact Code Enforcement if we are unable to. Also, just a clarification, we are not a homeowners association and do not operate with a CC&R, but are a special district within Orange County. I'm not sure that makes a difference in the information that you provided.

Kind regards,

Mary Kingman
RCSD Tree Consultant
ISA Certified Arborist #WE-11440A
mkingman@rossmoor-csd.org
www.rossmoor-csd.org

Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
[562.430.3707, Ext. 106](tel:562.430.3707)

From: Cox, Terry
Sent: Thursday, November 29, 2018 10:05 AM

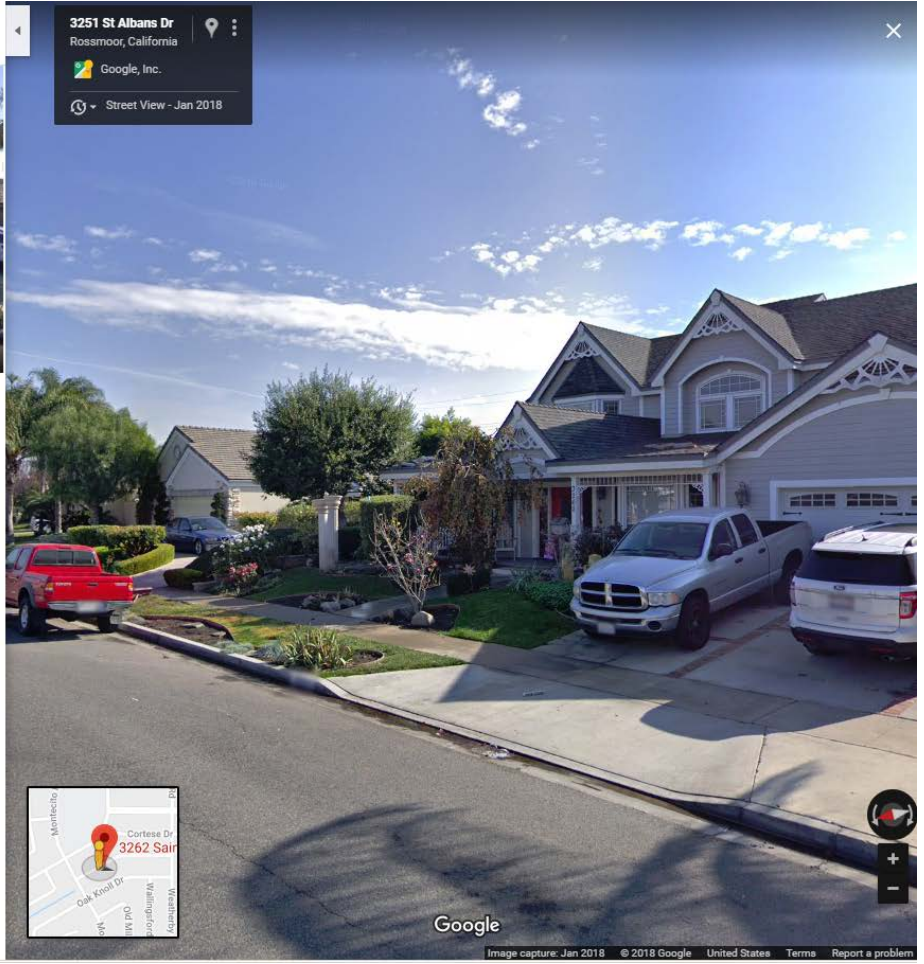
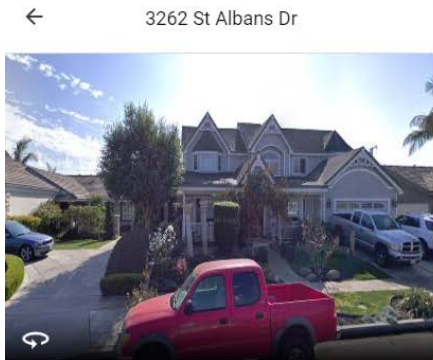
Hi Mary,

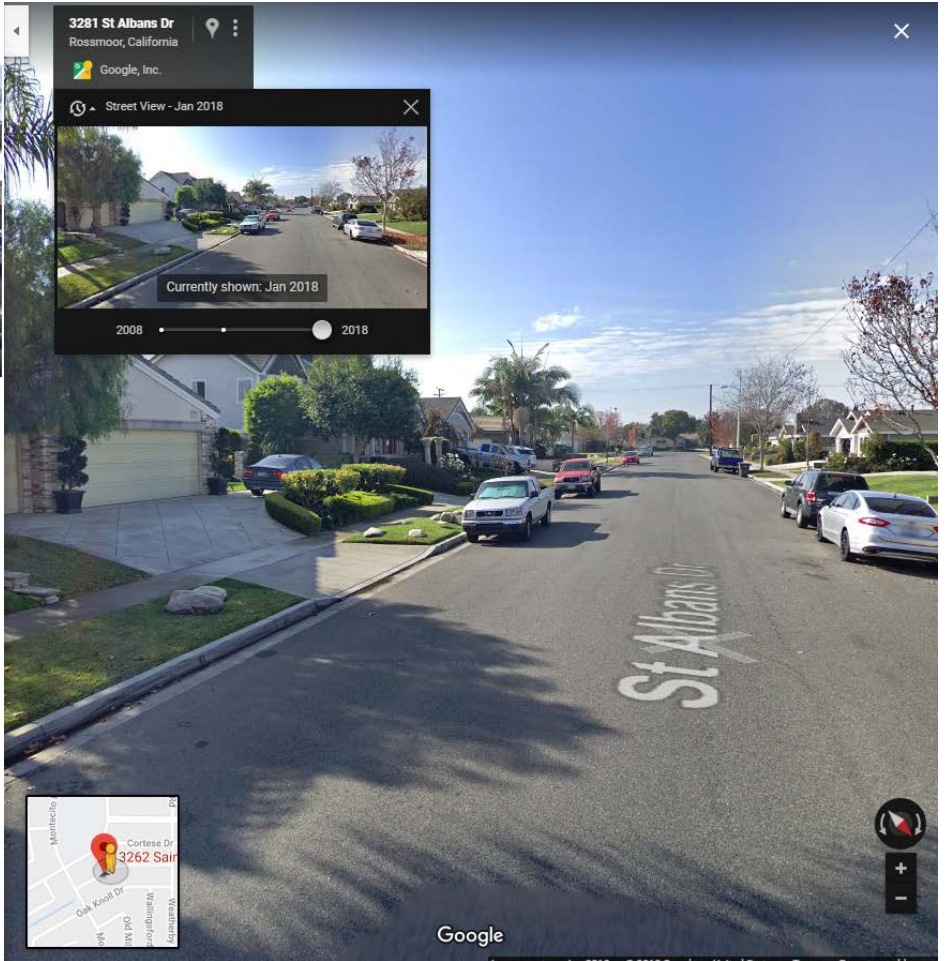
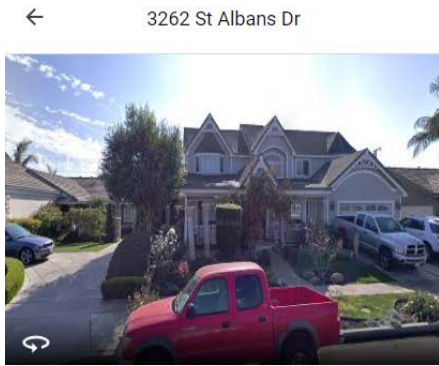
Unfortunately, it does not. The tree requirement is strictly a civil matter between the organization and the property owners/responsible parties involved. County can't enforce the organization's code and we have nothing in our current code regarding the requirements of trees in the parkway area. Apologies.

Regards,

Terry Cox

Manager, Neighborhood Preservation
OC Public Works/OC Development Services





ROSSMOOR COMMUNITY SERVICES DISTRICT

TREE COMMITTEE MEETING MINUTES

RUSH PARK
Administration Building
3001 Blume Drive
Rossmoor, California

**Thursday January 3, 2019
7:30 a.m.**

The Tree Committee Meeting convened at 7:30 a.m. on Thursday, January 3, 2019 at 7:30 a.m.

in the West Room location at Rush Park and was attended by Tree Committee members Tony DeMarco and Mark Nitikman, RCSD General Manager Joe Mendoza and RCSD Arborist Mary Kingman. There were two items on the Regular Calendar for the Agenda:

Item C. 1 UNAUTHORIZED PRUNING OF LARGE PARKWAY TREES AT 3151 OAK GROVE RD.

RCSD General Manager recommended that the Tree/Parkways Committee agree on an appropriate monetary fine for the severe topping and destructive pruning of two large established parkway trees by resident Glen Gomez. The pruning was in violation of RCSD Policy No. 3080. After opening comments from the General Manager, the Committee questioned whether RCSD had authority to fine a resident for tree damage only, in the absence of complete tree removal. RCSD attorney Tarquin Preziosi, who was consulted via telephone conference, confirmed that RCSD has the legal right to enforce the Tree Ordinance by proceeding to enforce a civil action and can both demand payment for damages and can plead recovery for attorney fees under Policy 3080.85. It was agreed that the General Manager will make the determination as to the penalty once the tree has been evaluated by an independent arborist to determine the loss of value within the trees caused by the illegal pruning. Once the loss of value is determined, a staff letter of demand will be sent to the resident requesting payment for damages and arborist fees. The General Manager will also forward the case to the District Attorney for civil action and will ultimately publicize the case in order to discourage other residents from illegal tree pruning. The resident will have the right to appeal the penalty with the RCSD Board of Directors.

Item C. 2 REPLACEMENT TREES FOR RUSH PARK PARKING LOT PLANTER

RCSD General Manager recommended that the Tree Committee review and approve replacement planting options for two large Indian Laurel Fig trees that were removed from the Rush Park parking lot planter. The Committee agreed that the two replacement trees should be Arbutus Marina, commonly known as Marina Strawberry Tree. A 36' box size, of multi-trunk form will be planted, with irrigation in the form of bubbler heads or possibly tree water bags. Solar up-lighting would potentially be installed at their bases to enhance the aesthetic value of the trees and planting area. The planting of these trees will not be ordered until the Board of Directors has determined whether the reconfiguration of the planter area for improved bus stop safety is a possibility. The cost of the two trees with planting would be \$1740.00, with another \$200-500 needed for irrigation and lighting.

The meeting was adjourned at 9:00 a.m.