

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**W19b**

RECORD PACKET COPY

Filed:	11/4/2002
49-day waiver rcvd:	11/14/2002
Staff:	S.Craig
Staff report:	12/19/2002
Hearing date:	1/8/2003

APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....A-3-STC-02-089; Seaside Company Heritage Tree Trimming
 Applicant.....Santa Cruz Seaside Company
 Appellant.....Gillian Greensite
 Local government.....City of Santa Cruz
 Local decisionApproved with conditions (September 24, 2002)
 Project location.....201 West Cliff Drive, Santa Cruz (APN 004-091-21).
 Project descriptionTrimming of Seven Heritage Trees on a Commercial Property
 File documents.....City of Santa Cruz Certified Local Coastal Program (LCP); City of Santa Cruz
 Coastal Development Permit Application File 02-032
 Staff recommendation ...No Substantial Issue

EXECUTIVE SUMMARY

The City of Santa Cruz approved the trimming of seven heritage trees along West Cliff Drive, between the first public road and the sea. The crowns of six of the seven trees will be trimmed approximately 40 percent; the remaining tree will be trimmed less than 25 percent.

The Appellant contends that the approved tree trimming will: (1) damage the trees and render them ugly and unsafe, and; (2) degrade the visual and aesthetic values of the surrounding area, including views between the sea and the first public roadway paralleling the sea.

These contentions do not raise a substantial issue of conformity of the approved project with the certified LCP. First, the City-approved project includes crown restoration, which is a method approved by the International Society of Arboriculture and which is intended to improve the structure and appearance of trees that have been previously topped. Also, the Applicant has abided by all the required regulations of the certified Heritage Tree Ordinance regarding trimming of trees. In addition, the City-approved project will have no effect on views between the first public roadway and the sea. Also, the City is requiring that the Applicant retain all the trees on the property, consistent with the Community Design Policies of the LCP that require preservation of natural features that provide definition to an area, and minimization of tree removal between the first public road and the sea.

Staff recommends that the Commission, after conducting the public hearing, determine that no



California Coastal Commission
January 2003 Meeting in Los Angeles

Staff: S.Craig Approved by: *DEL*

A-3-STC-02-089 Sea & Sand Tree Trimming (Seaside Co.) stfprt 12.19.02.doc

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substantial issue exists with respect to this project's conformance with the certified City of Santa Cruz Local Coastal Program (LCP) and declines to take jurisdiction over the coastal development permit for the project.

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Exhibits:

- Exhibit 1: Appeal Text
- Exhibit 2: City's Resolution, Findings, & Conditions
- Exhibit 3: Local Map
- Exhibit 4: International Society of Arboriculture Document
- Exhibit 5: City's Urban Forester Letter
- Exhibit 6: Rendition of Tree Trimming
- Exhibit 7: Arborist Report
- Exhibit 8: Correspondence

1.0 SUMMARY OF APPELLANT'S CONTENTIONS

The Appellant contends that trimming of the seven heritage trees will negatively impact coastal views from various points within the City of Santa Cruz, including views from the municipal wharf and along West Cliff Drive. The Appellant also contends that the City was incorrect to state that "views between the sea and the first public roadway will be improved with the trimming of the trees," and that the topped trees will become dense and bushy, blocking the views from the adjacent apartments. The Appellant also contends that the approved tree-trimming project will use a topping or heading method that will drastically reduce the height of the trees and that this practice is condemned by Current International Society of Arboriculture (ISA), by State legislative declaration, and by a registered consulting arborist, and that this practice is defined as "damage" under the City's Heritage Tree Ordinance, and that the trimming will render the trees ugly and unsafe. Please see Exhibit 1 for the text of the appeal.



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2.0 APPEAL PROCEDURES

2.1 Filing of Appeals

On September 24, 2002, the City Council of Santa Cruz approved the proposed project subject to multiple conditions (see Exhibit 2 for the City Council's resolution, findings and conditions on the project). Adequate notice of the City Council's action on the CDP was received in the Commission's Central Coast District Office on Monday, October 21, 2002. The Commission's ten-working-day appeal period for this action began on Tuesday, October 22, 2002 and concluded at 5:00 P.M. on Monday, November 4, 2002. One valid appeal (see below) was received during the appeal period.

In accordance with the Commission's regulations, staff notified the City of Santa Cruz of the appeal and requested all relevant documents and materials regarding the subject permit, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. Section 13112 of the Commission's regulations provides that upon receipt of a notice of appeal, a local government shall refrain from issuing a coastal development permit (CDP) and shall deliver to the Executive Director all relevant documents and materials used by the local government in consideration of the CDP application. The City permit file information was received on November 13, 2002.

Pursuant to Section 30261 of the Coastal Act, the appeal hearing must be set within 49 days from the date that an appeal is filed. The 49th day from the appeal filing date was December 23, 2002. On November 14, 2002 the Applicant's representative waived the Applicant's right for a hearing to be set within the 49-day period, to allow Commission staff sufficient time to review the project information and the Appellant's contentions.

2.2 Appeals Under the Coastal Act

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. The project is appealable because it is located between the sea and the first public road paralleling the sea and is also within 300 feet of the top of the seaward face of a coastal bluff.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the approved development is in conformity with the certified



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local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the nearest public road and the sea and thus, this additional finding needs to be made in a *de novo* review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the *de novo* stage of an appeal.

3.0 STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-3-STC-02-089 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue, and the adoption of the following resolution and findings and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-STC-02-089 presents no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

4.0 RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

4.1 Project Description & Background

The approved tree-trimming site is located along the bluff top behind the two-story Sea & Sand Inn at the north end of West Cliff Drive (see Exhibit 3). The trees consist of a small grove of eucalyptus and range in height from 45 feet to 60 feet with a diameter at breast height of 35 to 78 inches. The trees have been previously topped on a number of occasions, which has caused poor scaffold (lateral limb) growth and weight distribution. The purpose of the tree trimming is to rectify the results of previous topping



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episodes and to reduce the height and density of the trees to reduce the likelihood of felling of the trees or portions of the trees during windstorms.

The size of the trees qualifies them as heritage trees under the City's certified Heritage Tree Ordinance. The approved tree-trimming project would include trimming of six of the trees up to 40 percent and the seventh tree less than 25 percent. Heritage Tree Ordinance Section 9.56.060 requires a coastal development permit for any work affecting 25 percent or more of the crown of any heritage tree. In addition, Section 24.08.230.1(12a) of the certified Zoning Ordinance requires a coastal development permit for any tree trimming not subject to the heritage tree provisions if the tree is located seaward of the first public road paralleling the sea, which is the case for this project. For these reasons, the proposed trimming of the seven trees requires a coastal development permit.

Two geology evaluations were performed of the bluff top area. Neither report stated that the trees were significantly altering the rate of bluff top retreat. However, both reports note that eventually the trees will fall, although the timeframe for this event could range from today to 20 to 30 years from now. The City, however, determined that none of the trees should be removed at this time and that tree trimming, rather than tree removal, was preferable to address the Applicant's concerns regarding safety.

4.2 City Action

On August 6, 2001 the Applicant applied to the City Parks and Recreation Department for heritage tree permits to remove three of the eucalyptus trees and trim the remaining four trees. Parks and Recreation staff concluded that the trees were healthy and vigorous and recommended denial of a permit to remove the three eucalyptus trees and recommended that the trees be pruned more than 25% for crown and weight reduction. The heritage tree application was forwarded to the Planning Department for a coastal development permit. The final application did not propose the removal of any trees but rather the trimming of six of the trees up to 40 percent and trimming of the seventh tree less than 25 percent. The Applicant submitted an arborist report that included recommendations on the health and management of the trees (see Exhibit 7). The application was heard before the Zoning Administrator on May 1, 2002 and May 15, 2002. The Zoning Administrator approved the project on May 15, 2002. Two appellants appealed the Zoning Administrator's approval to the Planning Commission. The appellants were concerned with the trimming methods proposed and the amount of canopy to be removed. In response to these concerns, the City's Urban Forester consulted with other professional arborists regarding the proposed method and the extent of the trimming. To ensure that the trees would be trimmed and managed within the specifications of the Best Management Practices of the International Society of Arboriculture, the City's Urban Forester created pruning specifications for each tree and presented this plan to the Planning Commission during the hearing on July 18, 2002. The Planning Commission approved the coastal and heritage tree permits, thus upholding the Zoning Administrator's approval and denying the appeals. This approval included a modified condition that required the tree trimming to be performed by a City-approved arborist per the City's Urban Forester's pruning recommendations.

The appellants appealed the Planning Commission's approval to the City Council, with the same concern regarding the extent of the trimming and the methodology proposed. On September 24, 2002



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the City Council approved the tree-trimming project, without change to the conditions placed on the project at the Planning Commission level.

4.3 Standard of Review

The City of Santa Cruz has a certified Local Coastal Program (LCP). The standard for review of coastal permits in the City of Santa Cruz is the certified LCP. The LCP includes chapter 9.56 of the City's Zoning Ordinance (The Heritage Tree Ordinance), which provides for the preservation of heritage trees and heritage shrubs.

5.0 SUBSTANTIAL ISSUE ANALYSIS

5.1 Damage to Heritage Trees

LCP Community Design Policy 6.1.1 states:

Community Design Policy 6.1.1: Protect Heritage Trees and Shrubs by reviewing all construction plans to determine their impacts on Heritage Trees or Shrubs and providing technical information to assist owners in maintaining Heritage Trees and Shrubs on private property.

Applicable LCP Heritage Tree Zoning Ordinances are as follows:

9.56.040 (in part): *Any tree, grove of trees, shrub or group of shrubs, growing on public or private property within the city limits of Santa Cruz which meet(s) the following criteria shall have the "heritage" designation: (a) Any tree which has a trunk with a circumference of forty-four inches (approximately fourteen inches in diameter or more), measured at fifty-four inches above existing grade...*

9.56.010 (d): *"Damage" shall mean any action undertaken which alters the existing state of any heritage tree or heritage shrub in any way. This shall include, but is not limited to, the cutting, topping, girdling, or poisoning of any heritage tree or heritage shrub, any trenching or excavating near any heritage tree or shrub, or any action which may cause death, destruction or injury to any heritage tree or heritage shrub, or which places any heritage tree or heritage shrub in a hazardous condition or in an irreversible state of decline.*

9.56.060(a): *No person shall prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five percent or more of the crown of any heritage tree or heritage shrub without first obtaining a permit pursuant to this section. No person shall root prune, relocate or remove any heritage tree or heritage shrub without first obtaining a permit pursuant to this section.*

9.56.060(f): *Where three or more heritage trees or three or more heritage shrubs are the subject of any proposed work to be performed, the director shall require that the applicant sign an agreement for preparation and submission of a consulting arborist report. As part of said*



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agreement, the applicant shall be required to deposit with the department an amount of money equal to the estimated cost of preparing the report, as contained in said agreement.

9.56.100(b) *Any person who alters, damages, destroys, or removes any heritage tree or heritage shrub on public or private property without an approved permit issued pursuant to this chapter shall be liable to the city for the cost of replacement of said heritage tree or shrub pursuant to the unapproved heritage tree and heritage shrub alteration, damage, or removal mitigation requirement chart adopted by city council resolution. In addition, all violations are subject to the penalties prescribed by Section 9.56.110 of this chapter.*

The Appellant contends that the approved tree-trimming project will use a topping or heading method that will drastically reduce the height of the trees and that the trees will be rendered ugly and unsafe. The Appellant also contends that topping is condemned by current International Society of Arboriculture (ISA) standards, by State legislative declaration, and by a registered consulting arborist, and that this practice is defined as "damage" under the City's Heritage Tree Ordinance. Please see Exhibit 1 for the text of the appeal.

The ISA defines "topping" as "the indiscriminate cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role." Topping is unhealthy for trees for a variety of reasons. Topping often removes 50-100% of the leaf-bearing crown of a tree. Because the leaves are the "food factories" of a tree, topping can temporarily starve a tree until new leaves develop. This stress can make a tree more vulnerable to insect and disease infestations, as well as decay.

The approved tree-trimming project calls for reduction of the crowns of six trees by 40% and up to 25% for the remaining tree. The project, however, does not involve topping. Instead, the approved project will use a technique called crown restoration, which is approved by the ISA. Crown restoration is recommended by the ISA to restore trees that have been previously topped or damaged. Please see Exhibit 4 for the ISA's description of crown restoration and Exhibit 5 for the City's description of the approved crown restoration process.

The trees at the Sea & Sand Inn previously have been topped on a number of occasions. This has resulted in reduction of interior scaffolding, or lateral branches, and has caused the trees to develop mostly vertical branches, which is known as a "lion tail effect." This causes the majority of the weight of the foliage to be located at the end of the limbs, leaving them prone to failure. The City has developed individual pruning specifications based upon the ISA-approved crown restoration guidelines. According to the City's Urban Forester, "Proper management of these trees will be required to restore these previously damaged trees to some degree of proper tree form while lessening a potential for unsafe conditions including large diameter limb or entire tree failure" (see Exhibit 5). To be effective, crown restoration pruning will need to be done at frequent intervals, with a minimum of two prunings in the next five years. The City's Urban Forester has provided specific recommendations for crown restoration of six of the seven eucalyptus trees (tree #7 will require a minimum amount of work totaling less than 25% of the foliar canopy), with two phases of restoration recommended (see Exhibit 5, pp. 3-4). This is consistent with Community Design Policy 6.1.1, which requires that the City protect heritage trees by



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providing technical information to assist owners in maintaining heritage trees on private property. In addition, the City conditioned its approval to require that the tree trimming be performed per these recommendations of the City's Urban Forester. The City also conditioned its approval to require that a Certified Arborist be on-site during all tree-trimming activities and that the contracted arborist shall consult on-site with the City's Urban Forester and review the specific trimming recommendations and canopy restoration plans for each tree prior to commencement of any tree trimming. In addition, the contracted arborist is required to meet with the City's Urban Forester at the beginning, the midpoint, and at the completion of the trimming of each tree to ensure that all work is performed per specifications (see Exhibit 2, pg. 4 for the City's conditions of approval).

Although the crown restoration is a method supported by the ISA, certified Heritage Tree Ordinance Section 9.56.010(d) defines damage, in part, as "*any action undertaken which alters the existing state of any heritage tree or heritage shrub in any way...*" (emphasis added). Under this definition, it is possible to define *any* alteration or pruning of trees, including crown restoration, as "damage." However, the ISA web site states..."if people and trees are to coexist in an urban or suburban environment, then we sometimes have to modify the trees. City environments do not mimic natural forest conditions. Safety is a major concern. Also we want trees to complement other landscape plantings and lawns. Proper pruning, with an understanding of tree biology, can maintain good tree health and structure while enhancing the aesthetic and economic values of our landscapes." As stated above, the purpose of the tree trimming is to rectify the results of previous topping episodes and to reduce the height and density of the trees to reduce the likelihood of felling of the trees or portions of the trees during windstorms. Given that these trees are located in an urbanized area of the City and that the Applicant has concerns regarding safety and thus wishes to reduce the height and weight of the trees, appropriate pruning is reasonable.

Regarding the LCP's definition of "damage" to heritage trees, it should be noted Zoning Ordinance Section 9.56.100(b) provides penalties for persons who *alter or damage trees without a permit* (emphasis added). In this case the Applicant abided by all the regulations of the Heritage Tree Ordinance, including Zoning Ordinance Section 9.56.060(a), which requires obtaining a permit for any work affecting 25% or more of the crown of a tree, and Zoning Ordinance 9.56.060(f), which requires the consultation of an arborist where three or more heritage trees are subject to any proposed work. Thus, the City's LCP allows altering of heritage trees as long as the City has reviewed the proposed project carefully and provided safeguards to best protect the trees during any trimming or pruning process.

In summary, the approved tree-trimming project will follow the recommended crown restoration guidelines of the ISA, which will reduce the likelihood of limb or entire tree failure. In addition, the City conditioned its approval to require that the City's Urban Forester's specific recommendations be followed during the crown restoration process; also, the City's Urban Forester will monitor the trimming activities throughout the process. Finally, the Applicant went through the appropriate permit process as required in the City's certified Heritage Tree Ordinance. Therefore, the appeal raises no substantial issue in regard to conformity of the approved tree trimming with the Community Design policies and the Heritage Tree Ordinance of the certified City of Santa Cruz LCP regarding protection of heritage trees.



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5.2 Visual Impacts

Applicable City of Santa Cruz LCP policies regarding protection of significant vegetation are as follows:

Community Design LUP Policy 2.1: *Preserve natural features providing definition to an area within the City.*

Community Design Policy 6.1: *Protect existing significant vegetation and landscaping that provides scenic as well as wildlife habitat and forage value.*

Community Design Policy 6.1.4: *Minimize tree cutting between the nearest through public road and the coast.*

Applicable LCP Zoning Ordinances are as follows:

9.56.040 (in part): *Any tree, grove of trees, shrub or group of shrubs, growing on public or private property within the city limits of Santa Cruz which meet(s) the following criteria shall have the "heritage" designation: (a) Any tree which has a trunk with a circumference of forty-four inches (approximately fourteen inches in diameter or more), measured at fifty-four inches above existing grade...*

24.08.250(1): *Maintain views between the sea and the first public roadway parallel to the sea.*

The Appellant contends that the seven heritage trees are of outstanding visual and aesthetic value and that their stature softens the mass and height of the West Coast Santa Cruz Hotel and the tall apartments at 200 West Cliff Drive. The Appellant also contends that the City's LCP has provisions to protect coastal views and visual quality and that the trimming will render the trees ugly. In addition, the Appellant contends that the City's resolution stating, "views between the sea and the first public roadway will be improved with the trimming of the trees" is inaccurate and that the trees will become dense and bushy and block views from the adjacent apartments. Please see Exhibit 1 for the text of the appeal.

The seven eucalyptus trees are large in size and do add to the visual landscape of the area, especially as seen from the beach or the municipal wharf. Thus, the trees do provide some scenic value, which must be protected consistent with Community Design Policy 6.1. The trees also provide some screening of the apartments adjacent to the Sea & Sand Inn, as seen from the beach or the wharf (see Exhibit 1, page 10, top photo). However, because the height of the trees, as seen from these areas, extends greatly above the adjacent apartments, 40 percent crown removal will still provide the same amount of screening of the buildings. The Appellant also contends that the trees soften the mass and the height of the West Coast Santa Cruz Hotel (see again Exhibit 1, page 10, top photo). However, the trees have little visual impact on the West Coast Santa Cruz Hotel given that they are located upcoast from the hotel and thus provide no direct screening of the hotel building.

Zoning Ordinance 24.08.250(1) requires that views between the sea and the first public roadway parallel



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to the sea be maintained. The trees are located between the Sea & Sand Inn and the bluff top. The Sea & Sand Inn, which is located between the first public road and the sea, blocks views of the ocean from West Cliff Drive. The City made the finding that the views between the sea and the first public roadway parallel to the sea will be improved with the trimming of the trees and their improved maintenance (see Exhibit 2, pg. 1). The City's rationale is that the trees will be subjectively more aesthetically pleasing after pruning. Zoning Ordinance 24.08.250(1), however, is protective of *ocean* views. The Sea & Sand Inn blocks the view of the ocean from West Cliff Drive. Thus, the trimming of the trees will have *no effect* on views between the first public road and the sea in this area. In addition, the Appellant contends that the trees will become dense and bushy and block views from the adjacent apartments. Private views, however, are not protected in the LCP.

Community Design Policies 2.1 and 6.1.4 require the preservation of natural features that provide definition to an area, and minimization of tree removal between the first public road and the sea. The Applicant's initial application to the City included removal of three of the seven trees and trimming of the remaining four trees. The City, however, denied removal of any of the trees and instead recommended crown restoration to address the Applicant's safety concerns. Thus the City is preserving and minimizing cutting of trees between the first public road and the sea, consistent with Community Design Policies 2.1 and 6.1.4.

The Appellant also contends that the tree trimming will render the trees "ugly." As discussed above in section 5.1 of the staff report, the Appellant contends that the proposed tree trimming consists of topping, which is damaging to trees and could result in the trees becoming "ugly." The City-approved project, however, includes crown restoration. Exhibit 6 shows an estimated rendition of the shape of one of the trees after crown restoration. The rendition provided shows that the resulting trimming will mimic the natural form of a tree. Also, crown restoration, according to the International Society of Arboriculture, is intended to improve the structure and appearance of trees that have sprouted vigorously after being topped (see Exhibit 4). Thus, the proposed trimming should actually enhance the appearance of the trees, rather than worsening their appearance.

In summary, the approved tree trimming will not affect views between the first public road and the sea, consistent with Zoning Ordinance 24.08.250(1). The trees, after trimming, will continue to be a significant part of the natural scenic landscape, consistent with Community Design Policy 6.1, and will continue to provide partial screening of the apartments adjacent to the Sea & Sand Inn. Also, all seven trees will be preserved on the site, consistent with Community Design Policies 2.1 and 6.1.4. Finally, the crown restoration process will improve the structure and appearance of these previously topped trees. Therefore, the appeal raises no substantial issue in regard to conformity of the approved tree trimming with the Community Design policies and Zoning Ordinance Section 24.08.250(1) of the certified City of Santa Cruz LCP regarding protection of landscaping that provides scenic value.



California Coastal Commission

CALIFORNIA COASTAL COMMISSION

LOCAL COAST DISTRICT OFFICE

1000 STREET, SUITE 300

CA 95060

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Gillian Greensite
130 Liberty St,
Santa Cruz, CA 95060
(931) 427 2174
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local government:

Santa Cruz City Council Res. No NS-25,978

2. Brief description of development being appealed:

Appealing the approval of application for coastal and
heritage tree removal permits to prune by means of
"topping" the seven (7) heritage trees located between
West Cliff Drive and the bluff at 201 West Cliff Drive.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

201 West Cliff Drive
Sea and Sand Motel

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: ☒ _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-STC-02-089
DATE FILED: 11/4/02
DISTRICT: Central

RECEIVED

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☒ City Council/Board of Supervisors

d. ☐ Other: _____

6. Date of local government's decision: September 24, 2002

7. Local government's file number: _____

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Seaside Company
400 Beach St.
Santa Cruz, CA 95060

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Denise F. Britton, Registered Consulting Arborist #296
P.O. Box 424
St. Helena, CA 94574

(2) Dan Dickmeyer
344 Pine St
Santa Cruz, CA 95062

(3) Leslie Koelby Urban Forester
Parks + Recreation Dept.
City of Santa Cruz, 809 Center St, S.C. 95060

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The seven Heritage trees located at 201 West Cliff Drive are of outstanding visual and aesthetic value. This was acknowledged by City Council and staff. The trees are highly visible from USC, from the Eastside, from the Westside, from West Cliff Drive and from the Municipal Wharf. Their stature softens the mass and height of the West Coast Santa Cruz Hotel and the tall apartments at 200 West Cliff Drive.

The City of Santa Cruz LCP states that the focus is on protection of coastal views and visual quality of coastal areas. The Resolutions passed by the Council includes conditions of approval that mandate a tree trimming plan (#7) that uses topping or heading to drastically reduce the height of the trees. This practice, condemned by current ISA (International Society of Arboriculture) standards; by State Legislative declaration; by registered Consulting Arborist Denise Britton - listed as "damage" under the City's Heritage Tree ordinance, will render the trees ugly and unsafe.

The Resolution states that "views between the sea and first public roadway... will be improved with the trimming of the trees." This is inaccurate. The topped trees will become dense and bushy, blocking the views from the adjacent apartments. The hotel blocks all other views.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Gillian Greenblatt
Signature of Appellant(s) or Authorized Agent

Date 11/4/02

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

EXHIBIT NO. 1
APPLICATION NO.
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I

JOSEPH T. BORDEN, PRESIDENT

DENICE F. BRITTON,
SECRETARY/TREASURER



JOHN C. BRITTON, FOUNDER
1937-2001

CALIFORNIA CONTRACTORS
LICENSE #693647

9/14/02

TO: City Council, Santa Cruz, CA

I have been asked by the appellant, Ms. Gillian Greensite, to provide my opinion on the matter before you tonight: namely, the proposed pruning of trees on behalf of the Seaside Company to the specifications provided by the City of Santa Cruz. The appellant does not object to the trees being pruned, she objects to the technique prescribed by the City's Urban Forester, and thereby required, by the City of Santa Cruz.

The opinions expressed herein about topping and crown restoration are based on a tree's normal response to pruning, on the professional literature available, current industry Standards and on my personal experience seeing trees whose crowns have been restored (or restructured) – even several years after their original topping, so the trees have grown long sprouts. This restoration has taken place without the necessity of re-topping the trees. I have attached a copy of my resume for your information.

I am offering these opinions voluntarily, without compensation. I am not able to present them to you in person. However, these are my honest convictions, and I am steadfast in my beliefs.

I see no justification, from the photographs I have received, or from the reports written regarding the trees, why the eucalyptus trees growing at the Sea and Sand Motel need to be re-topped. The prescription proposed by the Urban Forester will require extensive and expensive pruning over the next several years. Pruning the trees using crown thinning and crown restoration techniques will have less effect on the appearance of the trees, be less burdensome on the property owner and will lead to less structural defects (i.e., decay) than the proposed re-topping of the crown.

In Ms. Keedy's report of 7/16/02 to Michael King, of Planning, she quotes the book *Arboriculture* by Dr. Richard Harris, et al. on the process of crown restoration, crown renewal and corrective pruning (pg. 441 of Harris, Page 2 of Ms. Keedy's report). She neglects, however, to quote *Arboriculture* on crown reduction: "Thinning cuts and thinning to lateral cuts, as a means of crown reduction, can reduce the height and spread of a tree while retaining its natural shape. Prune branches back to lower or inner laterals that are at least one-third the diameter of the portion removed. Observation indicates that a tree reduced in size by thinning or thinning to lateral cuts takes longer to grow back to the critical height than a headed tree. The finest compliment an arborist can receive after materially reducing the size or density of a tree is when the observers fail to notice that it has been pruned. (Emphasis is by Harris, et al, not mine.) Thinning and thinning to lateral cuts require greater skill and time than heading, but in most situations it is worth the effort: It will retain a tree's characteristic form, will minimize the problems of decay and regrowth, and will extend the time until the tree needs to be pruned again." Harris, et al, pg. 438.



California Coastal
Commission

P.O. BOX 424

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Seaside Co. Tree Trimming

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ST. HELENA, CALIFORNIA 94574 • (707) 963-7578 • (707) 963-7599 FAX



The pertinent sections from the current ANSI Standards for Tree Care Operations regarding Pruning¹ are provided below.

"Section 5.3 Mature Tree Pruning

5.3.1 General

The following specifications should be used with pruning objectives.

- 5.3.1.3 When a branch is cut back to a lateral, not more than one-fourth of its leaf surface should be removed. The lateral remaining should be large enough to assume the terminal role.
- 5.3.1.4 Not more than one-fourth of the foliage of a mature tree should be removed within a growing season.
- 5.3.1.5 Upon completion of pruning a mature tree, one-half of the foliage should remain evenly distributed in the lower two-thirds of the crown and individual limbs.
- 5.3.3.1 Hazard Reduction pruning is recommended when the primary objective is to reduce the danger to a specific target caused by visibly defined hazards in a tree. Hazard reduction pruning should consist of one or more of that maintenance pruning types.
- 5.3.3.2 Maintenance pruning is recommended when the primary objective is to maintain or improve tree health and structure, and includes hazard pruning:
 - b. Crown thinning shall consist of the selective removal of branches to increase light penetration, air movement, and reduce weight;
 - d. Crown reduction (crown shaping): Crown reduction reduces the height and/or spread of a tree. Consideration should be given to the ability of a species to sustain this type of pruning;
 - f. Crown restoration: Crown restoration pruning should improve the structure, form and appearance of trees that have been severely headed, vandalized, or storm damaged.

Definitions provided in the Standards:

- 3.15 **Crown reduction:** The reduction of the top, sides, or individual limbs by the means of removal of the leader or longest portion of a limb to a lateral no less than one-third of the total diameter of the original limb, removing no more than one-quarter of the leaf surface area.
- 3.22 **Heading:** Cutting a currently growing one-year-old shoot back to a bud, or cutting an older branch or stem back to a stub or lateral branch not sufficiently large enough to assume the terminal role. Heading should rarely be used on mature trees."

* **Crown Restoration DOES NOT include Crown Reduction.** It is the removal of crowded sprouts produced after topping to allow light into the canopy, and to allow for better attachment of the sprouts at the end of the old pruning cuts. By removing limbs throughout the canopy, the new light exposure encourages re-sprouting of limbs along the branches. **You need not cut limbs back to get the branches to sprout along their length.**

¹ ANSI A300-1995, American National Standards Institute, New York, NY. *For Tree Care Operations - Tree, Shrub, and Other Woody Plant Maintenance - Standard Practices.* National Arborist Association, Secretariat.

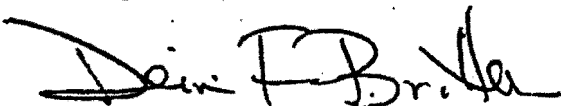
There may be occasional branches that need to be cut to reduce their length. I am not saying a branch should never be reduced in length, just that the alternative should always be considered first. The primary alternative to reducing the length of a heavy branch is to thin the branch by removing lateral branches along the length of the stem, especially near its terminal end. Inner branches are left on the limb, since they do not contribute to end weight and they add photosynthetic surface area. This leaves the branch in its natural form, with the terminal end intact, while removing leaf surface area near the end. Removing any leaf surface area reduces the amount of photosynthesis the branch can produce, and thus, slows the overall growth of the limb.

The main justification I have heard for topping the trees is safety of the climber. James Allen described the re-topping as keeping the trees at a "manageable height", referring to the difficulty of having a tree crew scale the current uprights (to top) at their present height. Restoration of a tree need not require a climber to scale a limb to its terminal end. By removing successive sprouts at the base, or branch attachment, the remaining sprouts will produce new growth along their length, and remain attached to the stem for a longer period of time before re-pruning is required, strengthening their attachment. Likewise, a limb can be thinned along its outer length with a long pole saw; it is not necessary to get to the top of the branch, unless you are going to take the top off. There are extension ladders with buckets available these days that can reach a height of 120 feet. I believe most of the work can be done using such equipment.

I have not seen these trees in several years. The last time I visited Santa Cruz and closely observed these trees was in 1991. I will say this, though. If the trees have not in that period of 10 years broken substantial branches in the storms we have experienced along the coast, they do not need to be topped to "reduce branch breakage". Thinned yes, they should be routinely pruned to reduce weight and wind sail, and to slow their overall growth.

In 1991, my husband John Britton told the small audience at a City of Santa Cruz sponsored seminar that he had "never topped a eucalyptus tree, and saw no reason to ever do such a thing to a eucalyptus, no matter how tall it was". I stand by his statement as being based on sound arboricultural practice, and current tree pruning standards. John Britton was the International Society of Arboriculture's representative to the ANSI A300 Standards committee.

Respectfully submitted,



Denise F. Britton
Registered Consulting Arborist #296



JOSEPH T. BORDEN, PRESIDENT

DENICE F. BRITTON,
SECRETARY/TREASURER



JOHN C. BRITTON, FOUNDER
1937-2001

CALIFORNIA CONTRACTORS
LICENSE #693647

DENICE FROEHLICH BRITTON

EDUCATION AND QUALIFICATIONS

- 1979 -Bachelor of Science, Biology of Natural Resources, with emphasis in Plant Pathology, University of California, Berkeley. *Summa Cum Laude*.
- 1981 -Master of Science, Wildland Resource Sciences, with emphasis in Urban Forestry, University of California, Berkeley. *Magna Cum Laude*.
- 1984-2002 -Certified as an Arborist, WC-0108, by the International Society of Arboriculture (ISA).
- 1984 -California Community Colleges Instructor Credential for Ornamental Horticulture, Credential No. 15 2 Fro 001 (#304717).
- 1989-2002 -Registered Consulting Arborist #296, American Society of Consulting Arborists.
1995 Graduate, ASCA Arboricultural Consulting Academy.
- 1992-2002 -California State Contractors License, Limited Specialty Tree Service, C61/D49 #693647.

PROFESSIONAL EXPERIENCE:

- 1981-84 -UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION, *Berkeley.*
Urban Forestry Specialist.
Develop an Urban Forestry outreach program to assist municipal foresters and arborists in setting up tree management programs. Provide technical expertise to University and Extension personnel regarding tree problems.
- 1984 to Present -BRITTON TREE SERVICES, INC. ST. HELENA, CA.
Consulting Arborist and General Manager. Evaluate trees on client estates, and for public agencies, to develop maintenance programs. Consultation regarding the care of trees in the landscape, hazard evaluation, mitigating construction damage and improving cultural conditions around trees. Financial and Business Manager.

EXPERT WITNESS:

Denice F. Britton has participated in numerous legal cases, and is experienced in expert evaluation and testimony regarding:

- tree appraisal for loss due to trespass, fire or other causes
- personal injury or property damage resulting from tree failure
- technical aspects of tree care and management planning
- sidewalk and foundation damage resulting from tree roots, root prun
- effects of construction activities on tree health and stability
- technical aspects of tree health requirements
- utility line clearance operations

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PROFESSIONAL AFFILIATIONS

- 1980-99 -American Forestry Association
National Urban Forest Council, 1982-84
- 1981-2002 - International Society of Arboriculture
2002 **Honorary Life Membership** – In recognition of material and substantial contribution to the progress of arboriculture and having given unselfishly to support arboriculture.
-Western Chapter ISA, President, 1990-1991
Board of Directors, 1986-90
Chairman, Regional Meetings Committee, 1981-88
Chairman, Certification Committee, 1982-87
Member, Certification Committee, 1987-92
- 1985 **Award of Merit.** In recognition of outstanding meritorious service in advancing the principles, ideals and practices of arboriculture.
- 1983-2002 -Member of California Arborists Association
Secretary-Treasurer, Napa Valley Chapter, 1986-87, 1992-93
- 1985-2002 -Member, National Arborist Association
- 1986-93 -Trustee, St. Helena Beautification Foundation
- 1988-92 -Certification Examination Committee,
International Society of Arboriculture
- 1989-2002 - American Society of Consulting Arborists
President, 1998
President-Elect, 1997
Vice President, 1996
Secretary-Treasurer, 1995
Board of Directors, two year term, 1992-94
- 1991 -Member, California Urban Forest Advisory Council to the California Department of Forestry regarding expenditure of funds allocated by the America The Beautiful program to the US Forest Service.
- 1994-97 Member, American Board of Forensic Examiners.

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PUBLICATIONS AND LECTURES

Mrs. Britton has authored several publications on the care, appraisal and maintenance of trees. Her work has been published by the University of California Cooperative Extension Service, and in the *Journal of Arboriculture*, *Journal of Urban Ecology* and in the trade magazines *Arbor Age* and *California Oaks*. She writes and publishes a quarterly newsletter, *Out on a Limb*, for clients and associates of Britton Tree Services.

Denice Britton has lectured at numerous professional association meetings on the successful care and maintenance of trees. Since 1995, she has taught a semi-annual course on tree pruning for the University of California Extension at UC Davis.

4.

Phase I Crown Restoration



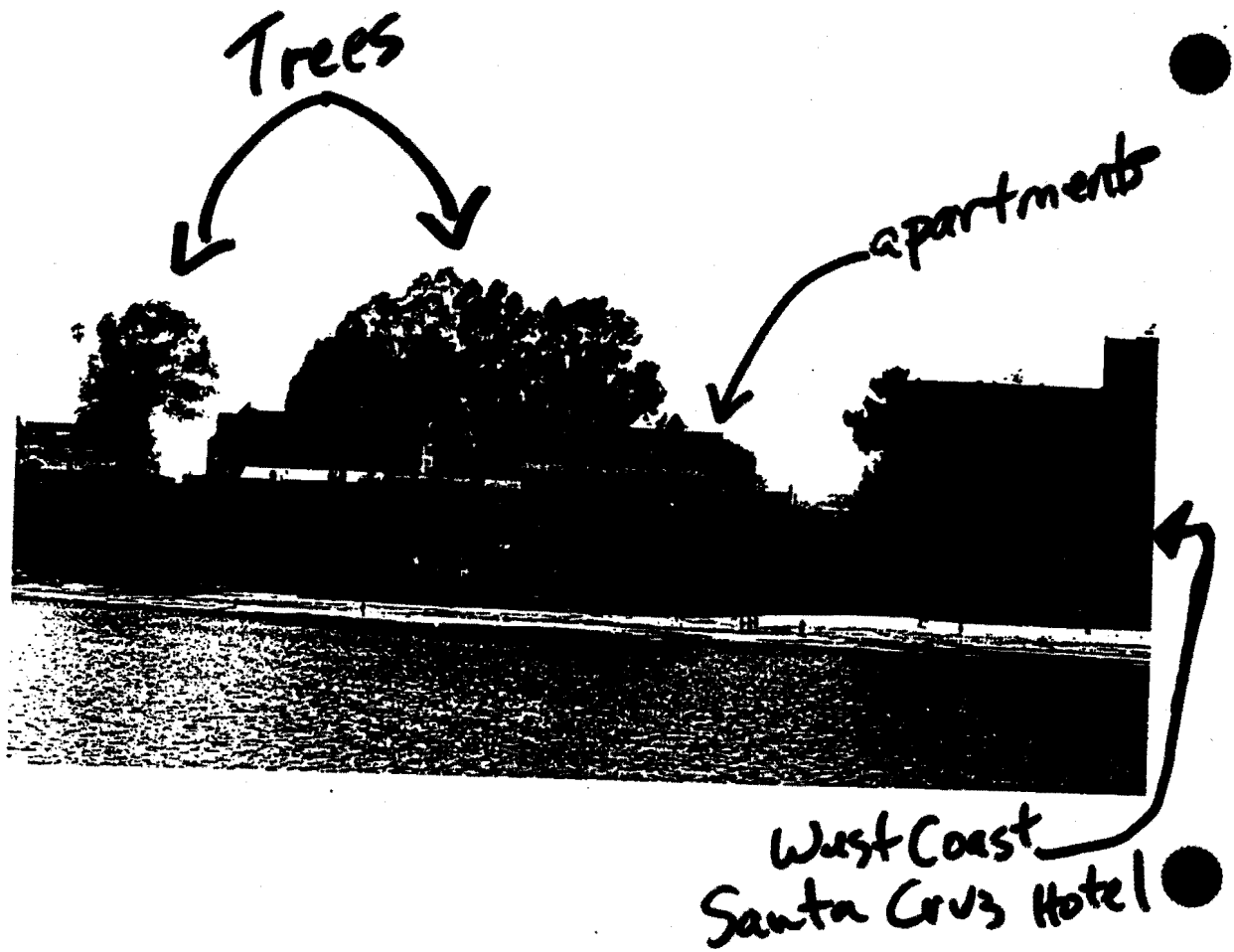
EXHIBIT NO. 1

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For information on the California Coastal Commission, please call 1-800-451-4242 or visit our website at www.ccc.ca.gov



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ APPROVING THE APPLICATION FOR COASTAL AND HERITAGE TREE REMOVAL PERMITS TO TRIM HERITAGE TREES ON A COMMERCIAL PROPERTY IN THE R-T (B) DISTRICT PER CITY REGULATIONS FOR THE TRIMMING OF A HERITAGE TREES (APPLICATION #02-032).

WHEREAS, property owner, Santa Cruz Seaside Company, filed an application for Coastal and Heritage Tree Removal Permits to trim heritage trees on a commercial property; and,

WHEREAS, on May 15, 2002 the Zoning Administrator conducted a public hearing, and approved Coastal and Heritage Tree Removal Permits to trim heritage trees on a commercial property; and,

WHEREAS, on May 24, 2002, appellants Gillian Greensite and Dan Dickmeyer filed an appeal of the Zoning Administrator's approval; and,

WHEREAS, on July 18, 2002 the Planning Commission conducted a public hearing and unanimously upheld the Zoning Administrator's decision by approving Coastal and Heritage Tree Removal Permits to trim Heritage Trees thus denying the appeal; and,

WHEREAS, on July 29, 2002 Gillian Greensite and Dan Dickmeyer appealed the Planning Commission's decision; and,

WHEREAS, on September 24, 2002 a duly noticed public hearing was conducted by the City Council; and

WHEREAS, the City Council now makes the following findings:

CEQA Categorical Exemption

The project is exempt from the California Environmental Quality Act per exemption 15304, as the project will not include the removal of any healthy, scenic trees.

Coastal Permit, Section 24.08.250

1. Maintain views between the sea and the first public roadway parallel to the sea.

The views between the sea and the first public roadway parallel to the sea will be improved with the trimming of the trees and their continued maintenance as outlined in the submitted Arborist Report. In addition, project conditions are imposed to ensure that the trimming will take place in accordance with the approved plans.

RESOLUTION NO. NS-25,978

2. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan.

The subject trees are not located in any sensitive species habitats, vegetation community areas, or ecological study areas per the General Plan and Local Coastal Plan. A condition of approval requires the tree trimming to comply with the Federal Migratory Bird Act.

3. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan.

The project area is not located within a specific area plan. The maintenance and preservation of the trees is consistent with the policies, programs goals of the Local Coastal Plan and General Plan.

4. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan.

This finding is not applicable.

5. Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate.

This finding is not applicable.

6. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.

This finding is not applicable.

Heritage Tree Findings, Resolution No. NS-21,433

1. The heritage tree or heritage shrub has, or is likely to have, an adverse effect upon the structural integrity of a building, utility, or public or private right of way.

The structural integrity of the trees will be greatly improved with the reduction of the canopies and will help to insure that the trees or any portion of the trees will not fail and have an adverse effect on the public beach below. The bluff above the public beach is retreating but the trees are not a contributing factor to potential failure.

2. The physical condition of health of the tree or shrub, such as disease or infestation, warrants alteration or removal.

As determined by an arborist, the trees are healthy but are in need of alteration in order to maintain their health and improve their structural integrity.



3. A construction project design cannot be altered to accommodate existing heritage trees or heritage shrubs.

This finding is not applicable.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz approves the Coastal and Heritage Tree Removal Permits to trim Heritage Trees subject to the Conditions of Approval attached as Exhibit "A".

PASSED AND ADOPTED this 24th day of September 2002 by the following vote:

AYES: Councilmembers: Reilly, Fitzmaurice, Sugar, Primack, Kennedy.

NOES: Councilmembers: Porter; Mayor Krohn.

ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED:

Mayor

ATTEST:

City Clerk



California Coastal
Commission

A-3-STC-02-089
Seaside Co. Tree Trimming

Exhibit 2
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EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

201 West Cliff Drive — Application No. 02-078
Coastal and Heritage Tree Removal Permits to trim Heritage Trees
on a commercial property in the R-T (B) District.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within three (3) years of the date of final approval or it shall become null and void. This permit shall include any required subsequent maintenance and trimming of the trees per the recommendations of the City of Santa Cruz Urban Forester for a period of five (5) years.
4. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
5. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
6. Tree trimming/alteration activities shall be conducted outside of the nesting period for raptors and species protected under the Migratory Bird Act (generally between February 1 and July 1). Tree trimming/alteration may commence prior to July 1 with the verification that nesting is not occurring on or near the site by the City Ecologist or other qualified biologist.
7. A City approved arborist shall perform the tree trimming, per the written memorandum prepared by Leslie Keedy, City Urban Forester, dated 7-16-02.
8. The applicant shall provide the Zoning Administrator with written confirmation (i.e. a signed contract) that a Certified Arborist will be on-site during all tree-trimming activities prior to the commencement of trimming.
9. The contracted arborist shall consult on-site with the City Urban Forester and review the specific trimming recommendations and canopy restoration plans for each tree prior to the commencement of any tree trimming. At the beginning, at the midpoint and at the completion of the trimming of each tree, the contracted arborist shall meet with the City Urban Forester for an inspection of the work performed in order to ensure that the trees are trimmed per the specifications of the consultation.
10. At no time shall heavy mechanized equipment be located within 50 feet of the coastal bluff.

Exhibit 2

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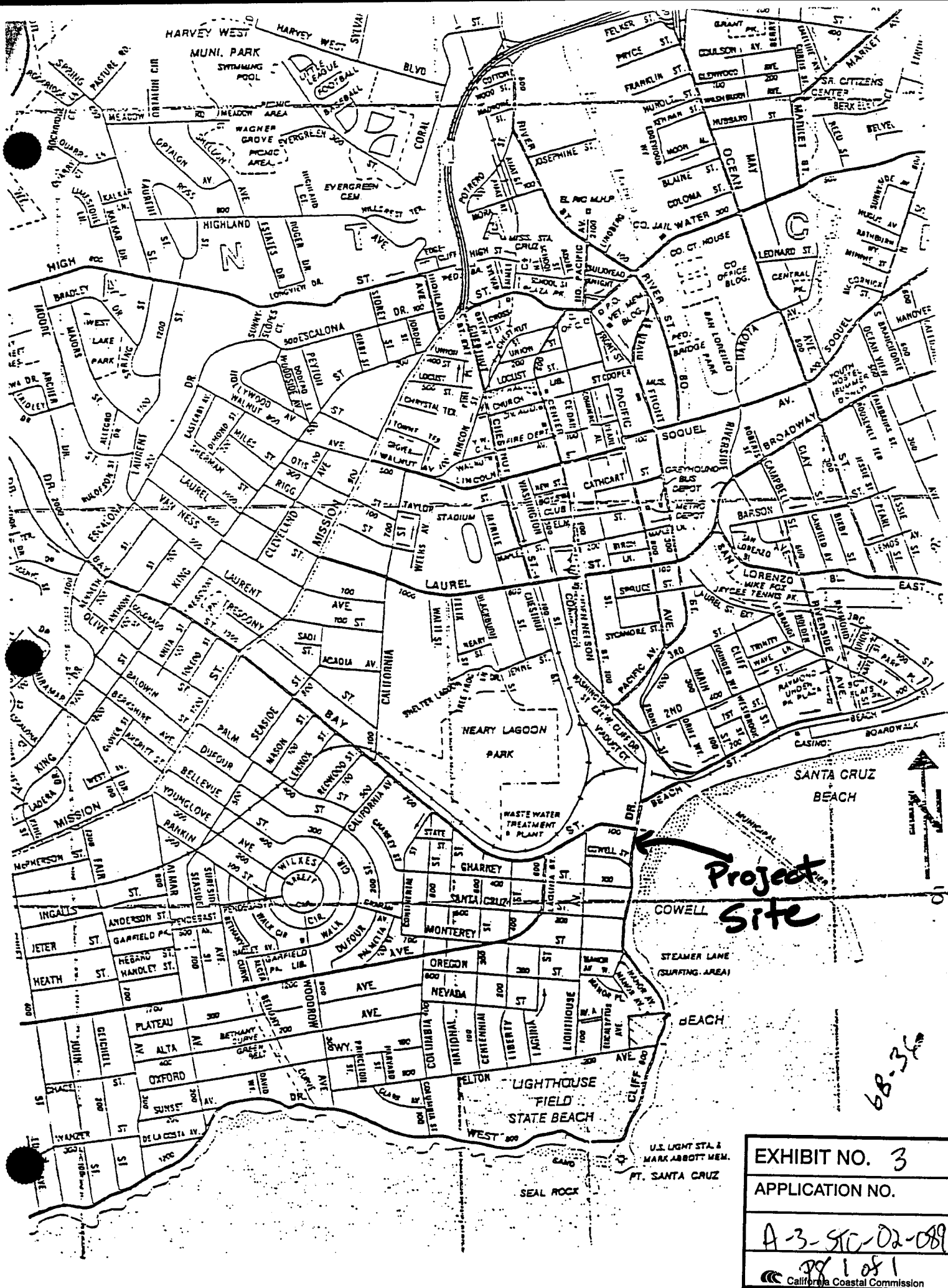


EXHIBIT NO. 3

APPLICATION NO.

A-3-SIC-02-089

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California Coastal Commission

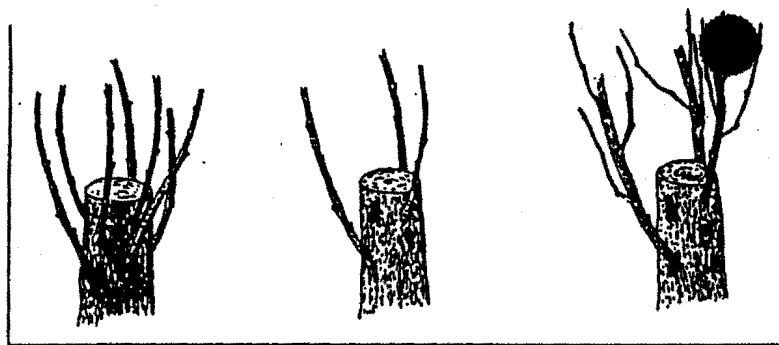


Figure 7. Numerous watersprouts resulted from the heading cut the previous winter of this leader or large upright branch (left). The one-year-old watersprouts have been thinned to three to begin to rebuild the tree (center). The number of sprouts left depends on the size of the branch and number of branches in the tree. Laterals on the sprouts the following season (right) may need to be thinned to reduce weight and wind-sail effects that could break sprout attachment. If such a heading cut is made, it is preferable to cut at an angle with the high side towards the afternoon sun. (The full length of the sprouts and laterals are not shown.)

Crown Restoration

Crown restoration is intended to improve the structure and appearance of trees that have sprouted vigorously after being broken, topped or severely pruned using heading cuts. One to three sprouts, on main branch stubs, should be selected to form a natural appearing crown. The more vigorous sprouts may need to be thinned, cut to a lateral, or even headed, to control length growth or ensure adequate attachment for the size of the sprout. Crown restoration may require several prunings over a number of years (Figure 7).

Utility Pruning

Line-clearance tree workers should be trained to work safely around high voltage conductors. The United States Occupational Safety and Health Act (O.S.H.A.) and The American National Standards Institute (A.N.S.I.) have established minimum distances to be maintained by tree workers from electrical conductors. The following guidelines are designed to maintain the required clearance of trees from high voltage transmission lines with a minimum of resprouting and fewer pruning cycles. The guidelines are based on known tree responses to various pruning techniques. In no sense should the guidelines take precedence over safe work practices.

Utility pruning may vary in urban and rural areas. The quality of care given a tree should balance with the landscape setting. The pruning of high-value trees in urban landscaped areas should more closely follow the preceding Tree Pruning Guidelines. Public pressure in some areas may require leaving more branches inside the canopy, which may potentially contact the conductor. This practice will be more costly as it requires more frequent pruning cycles.

It is important to prevent bark injuries on large and high-value trees by controlled lowering of heavy limbs being removed and by not climbing with gaffs. Urban trees often sustain injuries to the lower bole which open sites for decay. All trees should be carefully examined for structural problems before climbing.

managed by lateral or directional pruning (thinning cuts). Directional is the removal of a branch to the trunk or a significant lateral branch growing away from the conductor. Heading cuts (topping), on the other hand, encourage vigorous sprouting and increases the frequency of pruning cycles and the cost of maintenance.

All trees should be examined for hazards before climbing. Hangers and large dead branches should be removed. The root collar should be examined for signs of decay or root rot which would make the tree unstable.

Where possible, the tree should be allowed to attain normal height, with crown development maturing away from high-voltage conductors.

To achieve clearance, pruning should be restricted to removal of branches at crotches within the crown.

As few cuts as are reasonable should be used to achieve the required clearances.

When the pruning of a branch will result in the loss of more than 1/2 (one half) of the foliage on the branch, it should be removed to the parent stem.

Precautions shall be taken to pre-cut large limbs to avoid stripping or tearing the bark, and minimize unnecessary wounding. Heavy limbs should be lowered on ropes to avoid damaging bark on limbs and trunks below.

The placement of pruning cuts shall be determined by anatomy, structure and branching habit. Limbs should not be arbitrarily cut off based on a pre-established clearing limit.

Final drop-crotch cuts should be made outside the branch bark ridge on the main stem or lateral branch. The remaining branch shall be no smaller than 1/3 (one third) the diameter of the portion being removed. The remaining should be pruned to direct the growth away from conductors.

The use of multiple, small-diameter shaping cuts to create an artificially uniform crown form, commonly known as a "roundover", or a hedged side-wall effect, is not cost effective nor consistent with proper pruning practice.

Severe crown reduction pruning should be practiced only where trees are located under lines. Topping of tall-growing species directly under utility lines should be discouraged in favor of the removal and replacement with a species that matures at a lower height.

Climbing spurs, gaffs, climbing irons or hooks shall not be used except for tree removal or where branches are more than a throw-line distance apart or for emergency rescue.

Mechanical Utility Pruning. Appropriate for remote sites where trees occur in wooded areas or forest stands.

To the extent possible, the placement of pruning cuts should be determined by crown structure and branching habit.

The minimum number of cuts should be utilized to achieve required clearances.

Cuts should be made as reasonably close to the main stem as possible or to a lateral branch 1/3 (one third) the diameter of the removed branch that will direct future growth away from conductors.

Pruning cuts are to be made outside the branch collar, leaving as small a stub as possible (see Figure 3).

Precautions shall be taken to avoid excessive wounding and stripping or tearing of bark. Severed limbs shall be removed from the crown of the tree.

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California Coastal Commission			



CITY OF SANTA CRUZ

Parks Division

Leslie Keedy

Urban Forester

300 Evergreen Street

Santa Cruz, California 95060

Telephone (831)420-6120 FAX(831)420-6459

Date: 7-16-2002

Attachment 2

To: Michelle King, Planning

From: Leslie A Keedy Urban Forester

SUBJECT: Application 02-078 for 201 West Cliff Drive

The trees located at the Sand & Sea are landmark Heritage trees and are of value to the entire Community of Santa Cruz. Proper management of these trees will be required to restore these previously damaged trees to some degree of proper tree form while lessening a potential for unsafe conditions including large diameter limb or entire tree failure. The trees have been previously topped on a number of occasions. Interior scaffolding has been largely eliminated increasing the lion tail effect on the trees. A commitment to pruning at frequent intervals will be required to restore the canopies to a safer more natural condition including two or more phases of pruning. More than 25% will be required therefore a Heritage tree alteration permit is required. The City has created individual pruning specs based upon the International Society of Arboriculture approved crown restoration guidelines. Crown Restoration is recommended by (ISA) to restore trees that have been previously topped or damaged.

Discussion

In order to address the safety concerns of the property owner and improve the current condition of the trees, an ISA approved technique known as Crown restoration will be required. Crown restoration must be performed on six of the seven Eucalyptus located at the subject address. Proper pruning will lessen the chance of large limb or entire tree failure. The process of Crown Restoration will require a commitment to maintenance

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Seaside Co. Tree Trimming

Exhibit 5
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pruning at frequent intervals to be effective. A minimum of 2 prunings will be required within the next five-year period. Additionally, a qualified professional using the following industry guidelines must be contracted to perform the work.

- American National Standards Institute A300 for Tree Care Operations-
Tree, Shrub and Other Woody Plant Maintenance-Standard Practices.
- American National Standards Institute Z133.1-1994 for Tree Care Operations-
Pruning, Trimming, Repairing, Maintaining & Removing Trees
- International Society of Arboriculture:
Tree pruning Guidelines

Crown restoration is intended to improve the structure and appearance of trees that have sprouted vigorously after being broken, topped or severely pruned using heading cuts. One to three sprouts, on main branch stubs, should be selected to form a natural appearing crown. The more vigorous sprouts may need to be thinned, cut to lateral, or even headed, to control length growth or ensure adequate attachment for the size of the sprout. Crown restoration may require several prunings over a number of years. International Society of Arboriculture Tree-Pruning Guidelines. 1995 (pg. 10)

Crown restoration, crown renewal, and corrective pruning are terms that refer to the practice of reshaping to a more natural form a tree that has been storm damaged, vandalized, or improperly pruned. Crown restoration should improve health and structural strength (Bridgeman, 1976). A tree is probably worth saving if the main scaffolds and the trunk are sound or can be cut back to sound wood. Sprouts that grow from headed scaffolds should be thinned to two or three on each scaffold.

Selecting less vigorous sprouts will slow growth somewhat and favor more secondary laterals along the sprouts next season. Even though thinning out branches opens the top so that the tree has less wind resistance, the remaining individual limbs may be more exposed to wind damage. Therefore, the remaining branches may need to be thinned back to lower laterals. The reduction in number and size of the branches helps to develop their attachment to the main scaffolds, particularly in relation to their size.

Such severe pruning might best be done over 2-4 years to minimize its side effects, particularly the vigorous regrowth. Pruning during the growing season should reduce excessively long growth; strengthen branch attachment to the scaffolds, and slow total growth. In areas subject to fall frost or winter cold, pruning should not be done so as to prolong growth and the beginning of cold hardening. Fertilization, irrigation, and other practices should be adjusted to minimize excessive growth on healthy trees. Pruned trees must be examined at least annually for structural development, presence of decay in framework branches, and general health. The safety of pedestrians and property is paramount. Arboriculture; Harris, Clark & Matheny. 1999 (pg.441)



Recommendations

Specifications for Crown Restoration can be directed to six of the seven Eucalyptus trees at 201 West Cliff Dr. Trees # 1-4 will require the first phase of Crown Reduction pruning, this will reduce the length of tree branches considerably through heading cuts or cuts to appropriate laterals when possible. Tree # 5 & 6 will require phase II primarily done through thinning cuts. Tree # 7 will require a minimum amount of work totaling less than 25% of the foliar canopy.

Crown Restoration Phase I defined:

The reduction of the upper tree canopy to an appropriate height and stem diameter capable of regenerating a more natural and safer tree crown, using cuts to proper lateral branching when available and heading cuts if no laterals are present. Lower branches are to remain, branch length is reduced using thinning cuts to provide shape and aesthetics while proper form and structural development of the new tree canopy is established. All live interior growth is to remain.

Crown Restoration Phase II defined:

Thinning of epicormic regrowth or water sprouts to 2-3 radically spaced sprouts with good angles of attachment. Less vigorous sprouts may be selected for retention encouraging lateral branching and interior scaffold development. Vigorous sprouts will be thinned or headed to control their length and stability. A new more natural canopy will be created through proper thinning cuts. Remaining branches will be trained to establish the new canopy. A commitment to the restoration process will be required to regain a more natural canopy including periodic thinning and end weight reduction.

Tree #1-4 Phase I of Crown restoration pruning shall be performed at the approximate height of 35 feet where stem diameters are 6-8" in diameter. Live interior foliage is to remain with dead wood to be removed. All lower lateral branches are to be reduced in length and weight by approximately 1/3 using cuts to proper lateral growth. The resulting foliar canopy will assume proper form and create aesthetic form during the regrowth of phase I of the crown restoration process.

Tree #5-6 Phase II of crown restoration, canopy to be reduced slightly in height and weight using thinning cuts. Heading cuts to be used only as necessary. Interior live foliage to remain. The City of Santa Cruz suggests that pruning is to begin on these 2 trees to demonstrate the process of crown restoration.

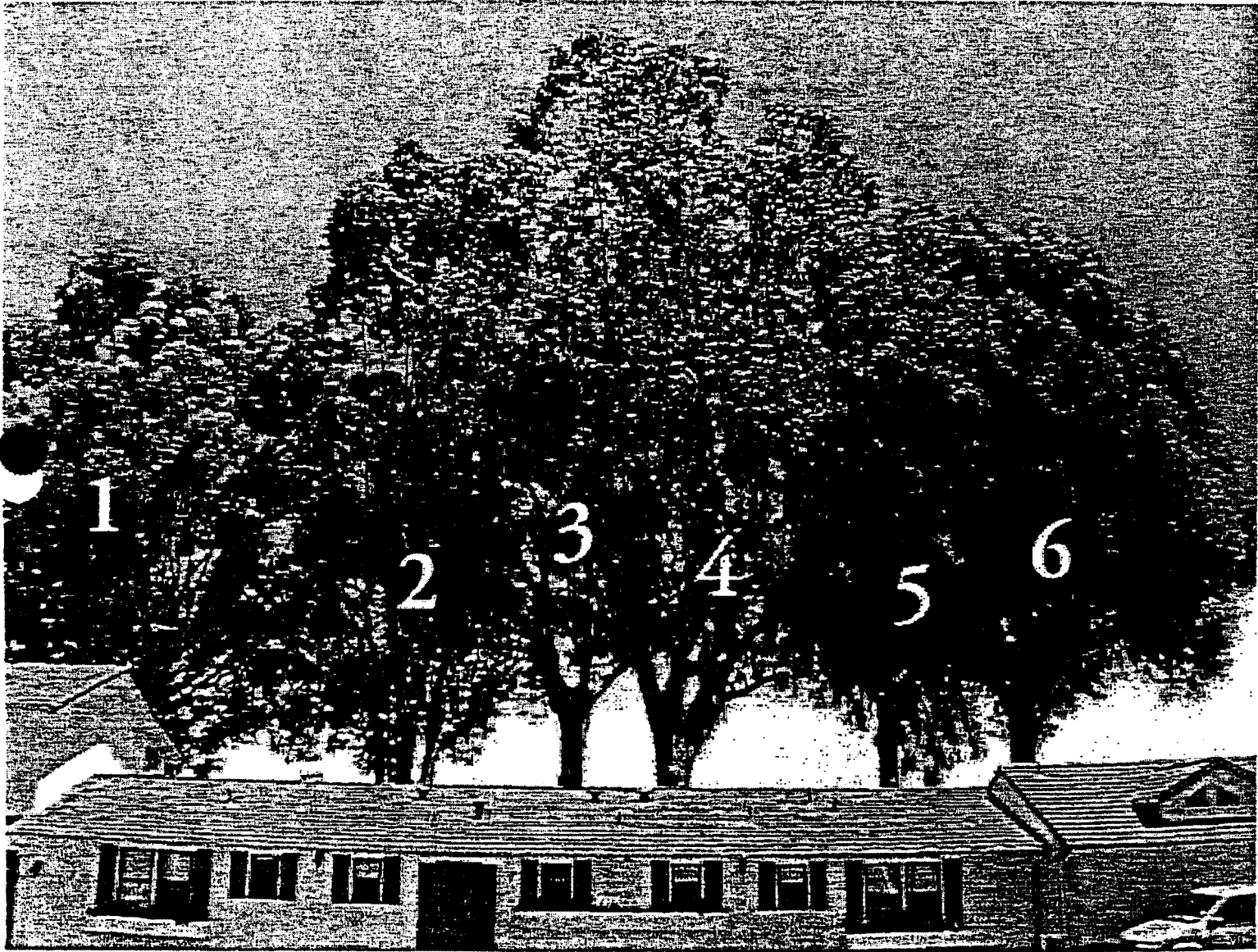
Tree #7 This tree will require a minimum amount of pruning totaling less than 25% of the foliar canopy. The existing branches will be reduced slightly in height and

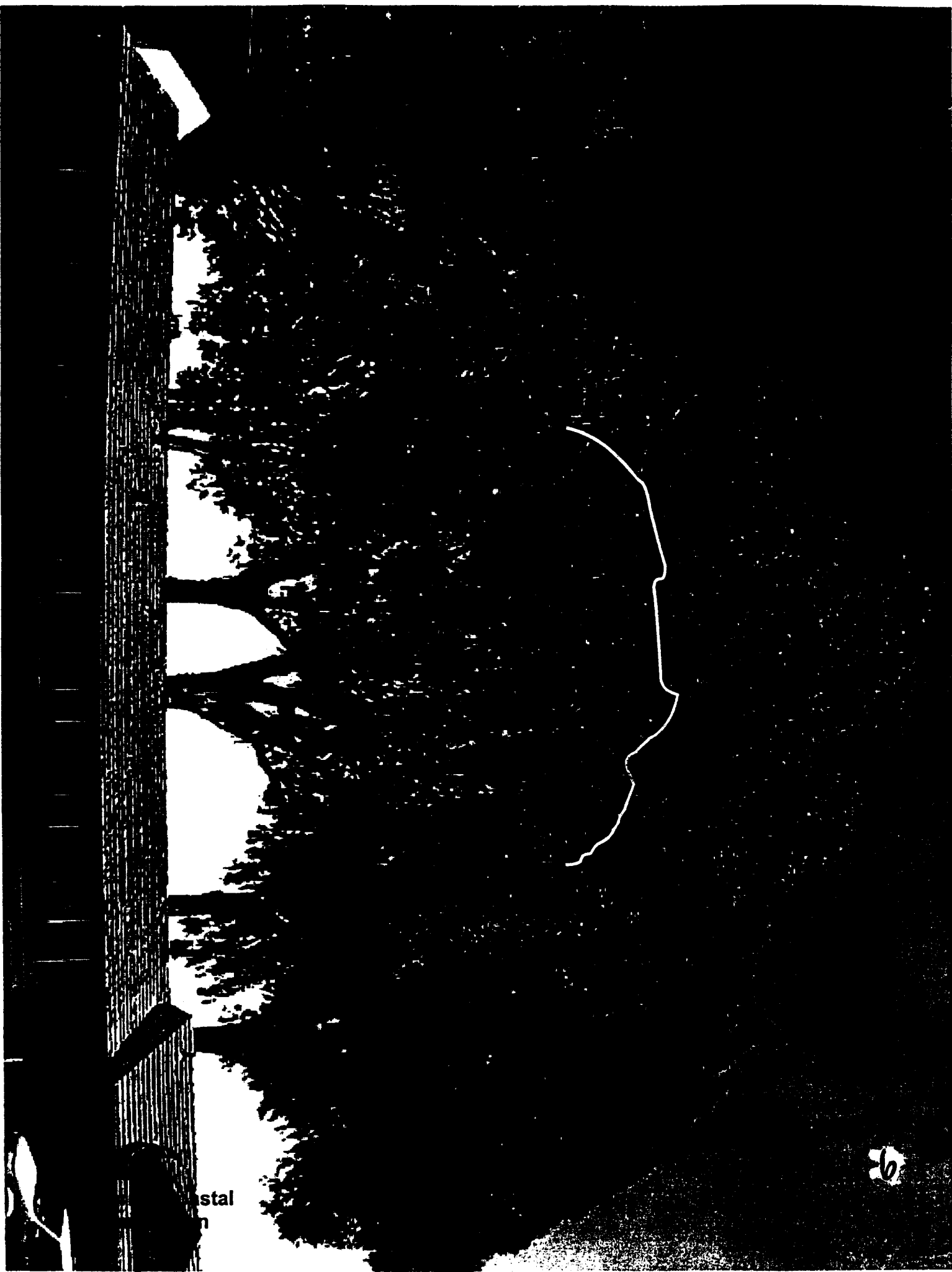
consistently thinned for end weight reduction. Thinning cuts will obtain end weight reduction decreasing wind sail and maintain tree form. Additionally, all dead wood is to be removed.

Conclusion

Pruning and proper tree management is required at this time to recreate healthy tree canopies. Proper pruning can also create safer conditions lessening the potential for large limb or entire tree failure. The ISA approved Crown restoration procedure will be required to reestablish more natural tree form. In order to be effective crown restoration pruning will require a commitment by the property owner to prune the trees professionally on a biannual basis. Once tree canopies are restored, regular professional pruning should occur on a frequent basis. A proactive maintenance approach will include routine professional prunings requiring removal of less than 25% of the foliar canopy. Less foliage will be removed at each interval, therefore the work will not require Heritage or Coastal permit.







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ARBORIST REPORT

FOR

Santa Cruz Seaside Company
400 Beach Street
Santa Cruz, CA 95060-5491

JOB SITE

Sea and Sand Inn
201 West Cliff Drive
Santa Cruz, CA 95060-5491

SITE VISITED

November 24, 2000
&
February 2, 2001

REPORT DATE

February 9, 2001

Prepared by:

Christine Bosinger
Henry Bosinger
Quality Arbor Care
Certified Arborist #WC-4309, WC-4320
2951 Branciforte Drive
Santa Cruz, CA 95065
831.423.6441

This evaluation was prepared to the best of our ability at Quality Arbor Care, in accordance with currently accepted standards of the International Society of Arboriculture. No warranty as to the contents of this evaluation is intended and none shall be inferred from statements or opinions expressed. Trees can and do fail without warning.

INTENT

To evaluate the health and safety of seven large Blue Gum Eucalyptuses, *Eucalyptus globulus*, trees. Also, to give recommendations for pruning and maintaining the trees. These trees are located in the public garden area of the Sea and Sand Inn and overhanging the public beach.

DESCRIPTION OF TREES

Tree #1

Species: Blue Gum Eucalyptus, *Eucalyptus globulus*
Size: Approximately 60 feet tall; Diameter at Breast Height (D.B.H.) 54"
Location: Outside fence line, on cliff edge, furthest southeast in line of seven trees

Prior canopy cleaning has removed much of the interior growth on this tree, thus leaving it with a lion's tail effect. This causes all the weight of the foliage to be at the end of the limbs, leaving them prone to failure. This tree is growing at an angle with the majority of its weight over hanging a public and much used beach. It should be noted that this tree has been previously topped where the bowl of the tree splits off into main leaders.

Tree #2

Species: Blue Gum Eucalyptus, *Eucalyptus globulus*
Size: Approximately 60 feet tall; D.B.H. 54"
Location: Outside fence line, on cliff edge, second in line of seven trees

This tree, too, has been left with a lion's tail effect. While it hangs over the beach, it also has many end heavy branches hanging over an outside garden/sitting area. This tree has also been previously topped where the bowl of the tree splits off into main leaders.

Tree #3

Species: Blue Gum Eucalyptus, *Eucalyptus globulus*
Size: Approximately 60 feet tall; D.B.H. 36"
Location: Inside fence line, on cliff edge, third in line of seven trees

Tree #3 is inside the fence line planted closely with two other trees. It, too, has been lion's tailed with the majority of its weight over hanging the public garden. This tree has been previously topped where the bowl of the tree splits off into main leaders.

Tree #4

Species: Blue Gum Eucalyptus, *Eucalyptus globulus*
Size: Approximately 45 feet tall; D.B.H. 36"
Location: Inside fence line, on cliff edge, fourth in line of seven trees

Tree #4 is inside the fence line planted closely with two other trees. The two Eucalyptuses on either side of it are crowding this tree. It also has been lion's tailed with the majority of its weight over hanging the public garden. This tree has been previously topped where the bowl of the tree splits off into main leaders.

Tree #5

Species: Blue Gum Eucalyptus, *Eucalyptus globulus*
Size: Approximately 45-50 feet tall; D.B.H. 40"
Location: Inside fence line, on cliff edge, fifth in line of seven trees

Tree #5 is inside the fence line planted closely with two other trees. It has been previously pollarded and is now showing signs of vigorous growth. This tree has been previously topped where the bowl of the tree splits off into main leaders.

Tree #6

Species: Blue Gum Eucalyptus, *Eucalyptus globulus*
Size: Approximately 45-50 feet tall; D.B.H. 72"
Location: On fence line, on cliff edge, sixth in line of seven trees

Tree #6 is on fence line. This tree has also been previously pollarded and is showing signs of vigorous growth. Again, this tree has been previously topped where the bowl of the tree splits off into main leaders.

Tree #7

Species: Blue Gum Eucalyptus, *Eucalyptus globulus*
Size: Approximately 60 feet tall; D.B.H. 78"
Location: Outside fence line, overhanging parking lot and building

Tree #7 is somewhat set aside from the rest of these trees. It is over hanging the parking lot and part of the Inn.

OBSERVATIONS AND DISCUSSION

Trees #1 through #7 are all healthy and vigorous trees. However, there are many factors affecting these trees. Concerns for these trees are their weight and their location. —

Trees #1 through #4 are healthy trees but have been pruned improperly. The improper pruning, the "lion's tailing," has left them very end weight heavy, so all the foliage on the branches is at the end, creating a lot of weight. This end-weight leaves the branch suspect to fail. If and when these branches fail they will fall onto a very public and well-used garden or public beach.

Trees #5 and #6 have been recently pollarded. They are now showing signs of vigorous growth that is common with pollarding.

Trees #4 through #6 are planted closely together thus they are competing for space and are over crowding each other.

Trees #1 - #6 are situated on the bluff overhanging the beach. This bluff is often subject to high winds. The weight that these trees are supporting and their windy location are a hazard waiting to happen.

Tree #7 is planted further away from the rest of the trees. It has plenty of room and good structure.

RECOMMENDATIONS

Trees #1 & #2

Argument can be made for the removal of these two trees. The soil conditions, proximity to the edge of the cliff, and exposure to elements, particularly high winds, all contribute to the trees being a hazard.

California Coastal
Commission

Seaside Co. Tree Trimming

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First, the soil is mostly sand stone and is relatively unstable. Pressure from root growth creates fissures allowing water to erode the soil. The high winds that these trees are exposed to create torque on the trees' root system. This accompanied by the weight of the trees and their proximity to the edge of the cliff are bound to accelerate the erosion of the cliff, possibly resulting in the failure of one or both of these trees. With that in mind, anything that can be done to mitigate these conditions could reduce, but not eliminate, the hazard of these trees falling. Considering the trees target, a heavily used public beach, I would find it irresponsible not to recommend their removal. If these trees are kept it is my recommendation that they be reduced by 40%. The reason for this recommendation is because past pruning has left these trees lion's tailed. There are no appropriate laterals to prune to within 25 to 30 feet from the top.

TREES #3 I recommend that this tree be reduced by 40%. Again the reason for the high percentage of pruning is because improper pruning left no appropriate laterals to prune to within 25 to 30 feet from the top of the tree.

TREE #4 I recommend that this tree be removed. This tree is over crowding tree #5. For the space and health of tree #5 it would be best for this one to be removed. If this tree is kept it is my recommendation that it is reduced by 40% for the same reason as trees #1 - #3.

TREE #5 I recommend that a canopy restoration begin on this tree. Due to the fact that this tree has been previously pollarded and has not been maintained, a canopy restoration would be best. While consulting with an Arborist on the ground a climber should pick and choose the appropriate limbs to cut back. A complete canopy restoration can not happen with the first pruning. The restoration will take place over time with multiple prunings. For each pruning, a certified Arborist should be on site to consult.

TREE #6 I recommend that this tree be removed. This tree is over crowding tree #5. For the space and health of tree #5, it would be best for this one to be removed. Removing trees #4 & #6 would promote the health and vigor of tree #5 by giving it more space and sun. If this tree is kept, it is my recommendation that a canopy restoration begin for this tree, too. The same guidelines for tree #5 should be applied.

TREE #7 I recommend that this tree be pruned no more than 25%. It should be tipped back to reduce end-weight through thinning and pruned back to appropriate laterals.

A Certified Arborist should be on site throughout the duration of the work. All climbers should consult with the Arborist before cutting is started. The Arborist is to make sure that the pruning standards set by the International Society of Arboriculture are followed.

All trees, except the ones that may be taken down, need to be rope climbed. Previous climbers gaffing the trees have already left them heavily scarred.

All trees need to be put on a regular pruning schedule. Trees #5 and #6, if kept, need to be pruned annually in order for the canopy restoration to be done. The remaining trees can be put on a three to five year pruning schedule. If the trees are not maintained regularly, the same hazardous conditions that we are seeing now will develop again. An Arborist should be present in the future maintaining of these trees to make sure that appropriate canopy restoration is achieved and I.S.A. pruning standards are met.



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Seaside Co. Tree Trimming
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DEC 11 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

344 Pine St.
Santa Cruz, CA 95062
831-425-8159
December 11, 2002

California Coastal Commission
Central Coast Area Office
725 Front St., Suite 300
Santa Cruz, CA 95060

Attn: Susan Craig

Dear Commissioners,

I was one of the appellants of the proposed tree topping at 201 West Cliff Drive in Santa Cruz (Appeal A-3-STC-02-089) as it progressed through the city process to City Council.

There has never been an adequate reason presented by the Santa Cruz Seaside Company about why they want to do such a radical pruning of these stalwart heritage trees that are just now coming into their own after a history of bad management. Their theory presented of course states they will eventually help and strengthen the trees but we have presented evidence by Denise Britton (Registered Consulting Arborist #296) that such a topping is the incorrect procedure and will ultimately harm the trees.

I believe the Seaside company merely wants to shorten these trees to make it easier and cheaper to maintain these trees. But the Santa Cruz Heritage Tree ordinance does not permit topping of trees or topping of trees just to make things easy. (Keep in mind the original proposal was to actually remove some of these trees) The Ordinance is designed to preserve the beauty and stature of trees, regardless of species, in a look that characterizes the tree. The proposed topping will change the natural look of these trees. Imagine the outcry if these were redwoods proposed for topping because a shorter tree is easier to maintain.

This grove of trees is a landmark on beautiful West Cliff Drive. It is visible from all over town and from several state beaches. It helps to screen the ugliness of the West Coast Inn as one approaches from West Cliff and puts into perspective a row of condominiums across the street. Topping these trees will not improve views

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between the road and coast as it is the motel that blocks the views. It will harm views looking at the coast from the Santa Cruz wharf.

In various hearings city staff, which for some reason seems to have taken up the cause of the applicant, has presented varying estimates of how much of the tree would be removed but at one hearing clearly drew a line at 50%. The city has never presented any schematic drawings of the end result of these cuttings because it claims it won't know which branches to take out until the trimmer starts work. But clearly Ms. Britton has pointed out the possibility of how less pruning might work and what the end result might be.

I am afraid that given the nature of city staff's and governing body's views on Eucalyptus in general, the end result of successive prunings over five years will result in even more insensitive pruning. All over town Eucalyptus display varying patterns of unnatural regrowth after improper or successive prunings and there is little of a scientific nature that allows us to predict that these trees could benefit and become more beautiful and attractive to the coast visitor if this topping is allowed to proceed.

Please vote to stop the proposed plan by the Seaside company to top these trees and look at the alternatives presented by Ms. Denice Britton. Thank you,

Sincerely,



Dan Dickmeyer

