



AGENDA NO: B-1

MEETING DATE: January 5, 2021

**AGENDA CORRESPONDENCE
RECEIVED BY THE PLANNING
COMMISSION FOR PUBLIC REVIEW
PRIOR TO THE MEETING**

From: salinan tribe [REDACTED]
Sent: Monday, January 04, 2021 12:53 PM
To: PlanningCommission <PlanningCommission@morrobayca.gov>
Subject: Subject: Agenda Item, 355 Cerrito Place tree removal

Greeting Commissioners, I would like to comment on B-1 on the agenda for tomorrows planning commission meeting. Case No: TRE20-183, Site location 355 Cerrito Place, Morro Bay Ca. As you many or may not know the area of Cerrito Place is a recorded Salinan Sacred site with the California Native American Heritage Commission which includes Eagle Rock (Cerrito Peak). I would rather not see the cypress trees removed. These are an ancient species that has been here for thousands of years and was voted as the city of Morro Bay's tree. I do however realize that they may need to be removed for safety reasons. Just a reminder that all work in this sacred area, especially any ground disturbing activities must be monitored by a cultural resource specialist from our tribe. I am requesting on behave of the Salinan Tribe of Monterey and San Luis Obispo Counties that this mitigation measure be added to the conditions for approval for this work by the City of Morro Bay.

Xayatspanikan,

Patti Dunton, Tribal Administrator

Sent from [Mail](#) for Windows 10

From: Sean Green [REDACTED]
Sent: Monday, January 04, 2021 3:36 PM
To: PlanningCommission <PlanningCommission@morrobayca.gov>
Cc: Council <council@morrobayca.gov>; morrobayinbloom@gmail.com; info@arborday.org
Subject: 1/5/21 Planning Agenda Item B-1: Morro Bay's "Tree City USA" claim

Planning Commission, Council, and staff,

Please represent the residents of Morro Bay conscientiously in support of the appellant by opposing the arbitrary cutting of five public trees at 355 Cerrito based on inconclusive, privately funded arborist reports. To be honest, it's a shame to learn how easy it seems to be for public trees to be removed in Morro Bay without the greater public's knowledge. Had the trees in question not been located within 300' of Betty Winholtz' property (the limited range of public notice), our city's already sparse canopy would now be five trees fewer. Similarly, I appealed a public tree removal in the past that, similarly, was located within 300' of my own house, and also similarly, felt unsupported. Thankfully, my \$272 appeal was upheld, as I hope this one is, but it shouldn't take Herculean efforts by private citizens to fight for the existence and permanence of our few remaining public trees.

In addition to supporting the current appeal and protecting these five trees, I'd further ask Planning Commission, Council, and staff to revisit what the "Tree City USA" designation actually means. We see this claim referenced on our city website (<https://www.morro-bay.ca.us/797/Trees>), just as we see our pledge to "perpetuate and enhance Morro Bay's public trees for future generations" through our Urban Forest Management Plan (<http://ca-morrobay2.civicplus.com/DocumentCenter/View/7702/Urban-Forest-Management-Plan-UFMP?bidId=>), but such claims are hollow if not supported by staff, advisory board, and council decisions.

To that end, please take a moment to review the actual qualifications for a jurisdiction to be considered a "Tree City USA":

1. **A Tree Board Department** - someone legally responsible for all trees in the city
2. **A Tree Care Ordinance** - forming the foundation of the city's tree care program
3. **A Community Forestry Program** with annual budget of at least \$2 per capita
4. **An Arbor Day Observance and Proclamation**

Source: <https://www.arborday.org/programs/treecityusa/standards.cfm>

While Morro Bay excels at observing holidays and making proclamations and does so with the best of intentions, we are definitely not a "Tree City USA" in practice. One simple administrative decision, absent a complex appeal, can lead to several fewer public trees, just like that. Meanwhile, 99% of the community is excluded from public notice requirements to even consider filing such an appeal, and even those who do receive notice are rarely equipped with the time, energy, money, and wherewithal to advocate on a voiceless tree's behalf. Thus, we rely on you, our appointed and employed representatives. Please share our burden today and consider, in your discussion, not only voting unanimously to prevent the removal of five native trees in this rare patch of beautiful canopy, but also to recommend to council the establishment of a "Tree Board" or "Tree Committee" of well meaning citizens to fill the vacant role of tree advocacy in Morro Bay.

Only through such actions can we begin to live up to the claims we make about environmental protection and keep our promises to future generations.

Thank you for your consideration,

Sean Green
Morro Bay, CA

From: Josh Martin [REDACTED]
Sent: Tuesday, January 05, 2021 8:09 AM
To: Damaris Hanson <dhanson@morrobayca.gov>
Subject: not located in Eagle Rock

Damaris,

Here is a pic I took this morning to show that we are quite a distance from Eagle rock. I have drawn on the pic to illustrate distance. The trees in questions are numbered 1-5. The "X" is 10 feet lateral (north) from tree 1. The dirt portion of trailhead is 95 feet from tree #1 and marked with a line and 115 feet from the actual Eagle Rock trailhead entrance (where the sign is located). This is marked with an arrow. I hope this helps. Thank you.

--

Josh Martin



#3
#2
#3

#2

#1

←

95
ft.

115 ft.

X



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**POWERPOINT PRESENTATION FOR
355 CERRITO PLACE
TRE20-183**



City of Morro Bay Planning Commission

355 CERRITO PLACE

TRE20-183

APPEAL OF ADMINISTRATIVE TREE
REMOVAL PERMIT

REMOVAL OF FOUR TREES IN THE PUBLIC RIGHT-OF-
WAY, 355 CERRITO PLACE

APPELLANT:

BETTY WINHOLTZ

APPLICANTS:

JOSH AND CHRISTINE MARTIN

JANUARY 5, 2021



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Appeal Clarification

Administrative Tree Removal Permit

- The Director is authorized to deny or approve a tree removal pursuant to MBMC 12.08.070

Planning Commission Function and Duties

- Uphold or deny the appeal
- Remand project back to staff for re-review
- Continue to a date certain and provide direction



Morro Bay Municipal Code 2.08.070 (Tree removal)

No tree shall be removed from a public right-of-way unless it interferes with the necessary improvement of the public right-of-way, the installation of public utilities or is a hazard to person or property outside the drip line of the tree at maturity or creates such a condition as to constitute a hazard or an impediment to the progress or vision of anyone traveling on or within the public right-of-way. If, in the opinion of the director of public services, a tree is determined to meet the above criteria, posted for a minimum of ten days and all property owners and residents within three hundred feet shall be notified of the scheduled tree removal.



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Description of Project

- An Administrative Tree Removal Permit was applied for on November 19, 2020 for the removal and replacement of nine trees on private property and five trees in the public right-of way.
- The removal request was reviewed by staff and the trees were posted for removal on December 1, 2020
- An appeal was filed for four of the trees in the Public right-of-way on December 10, 2020.



Existing Site



Looking West



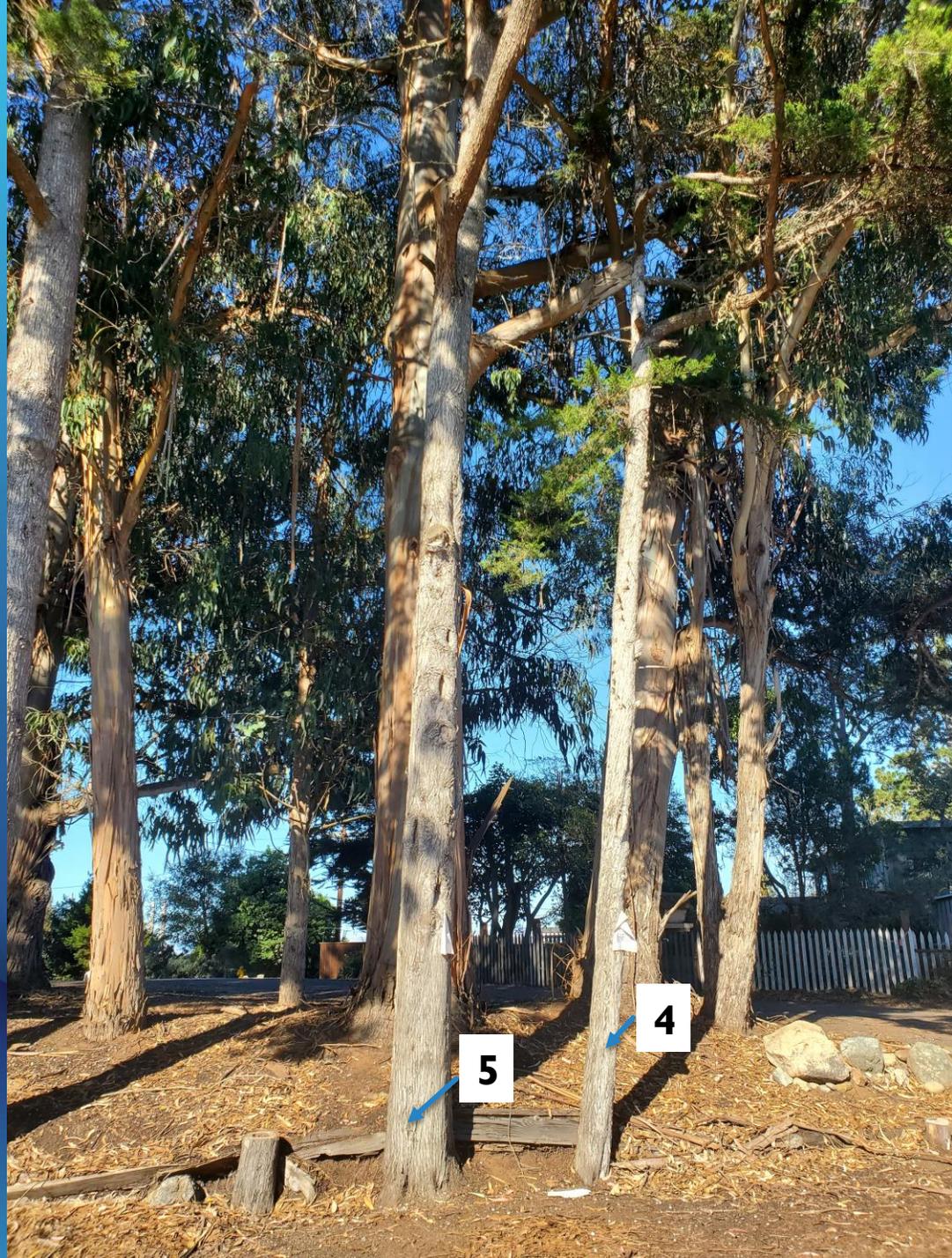
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Removal Request

- Removal request was submitted by the property owners on November 19, 2020
 - Provided their reasons for removal and replanting plan
- An Arborist report was provided
 - Report highlights that the trees are growing in the understory of the dominant Eucalyptus, with foliage growing towards the house.
 - Trees are in poor shape and decline that can not be reversed. There is no chance that accommodating actions can be taken to bring them back to health or help them structurally.
- A Monarch butterfly habitat assessment was provided
 - Report states the removal of the Monterey cypress trees will not impact the monarch overwintering habitat on Eagle Rock (Cerrito peak).







Appeal Issue

1. *Morro Bay Municipal Code 12.08.070 - Tree removal by city for cause. No tree shall be removed from a public right-of-way unless it interferes with the necessary improvement of the public right-of-way, the installation of public utilities or is a hazard to person or property outside the drip line of the tree at maturity, or creates such a condition as to constitute a hazard or an impediment to the progress or vision of anyone traveling on or within the public right-of-way. None of these trees are being requested for removal due to interference with necessary public improvements, utilities, or visually blocking travel in the right-of-way.*

None of these trees are being requested for removal due to interference with necessary public improvements, utilities, or visually blocking travel in the right-of-way.

Staff Response :

The Arborist report states “The Blue Gum Eucalyptus dominates the overhead canopy. The smaller weaker Monterey cypress are stretching to reach the sunlight, so all the live branches are headed toward the house putting all the weight of the tree toward the house. This is a very unstable situation where windthrow can cause injury, death or damage.” The reason for removal meets the removal requirements in MBMC 12.08.070 due to the trees being a hazard to person or property outside the dripline of the tree canopy.



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Appeal Issue

2. Are the public trees hazards? The Arborist Report, paid for by the applicant, implies they are. It's implied because the Report refers to the 14 trees as a group. The Report does not separate the private trees from the public trees. The Report does not evaluate the trees individually.

Staff Response:

All of these trees were planted by the previous homeowner as a group for screening purposes. They were all in the same time frame and along the property line. Many people unknowingly plant into the right-of-way, assuming their property goes to the street. None of these trees were planted as Public trees, they are only regulated as public trees due to the location in the right-of-way. It would not make sense to have a separate Arborist report for the private trees and the public trees, they are all the same. The trees only have foliage on one side of them, house side, and little to no foliage on the top and Eucalyptus side of the trees.



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Appeal Issue

3.To add confidence in the characteristics of Monterey Cypress, here is a description from CalPoly's Urban Forest Ecosystems Institute, "USDA Hardiness Zones 7 - 10, Exposure Full Sun to Partial Shade, Moist to Dry Soil, Drought tolerant, and Branch Strength Rated as Strong."**

Staff Response:

While the Monterey cypress can survive in full sun to partial shade, these trees are growing into the canopy of the dominant Eucalyptus trees. These Monterey cypress trees are not thriving in the understory of taller trees. This is evident in the little to no foliage on the tops and on the sides of the trees near the Eucalyptus trees. The only foliage on these trees is on the house side of the trees where the Eucalyptus trees are not.



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Appeal Issue

4. From Morro Bay's Urban Forest Management Plan, we learn that these particular public trees are 24-30 years old.(page 49) We also learn that these trees address climate change by sequestering: $548 \text{ lbs} \times 4 = 21,924 \text{ lbs/yr}$; runoff interception: $39,870 \text{ gal/yr}$.(pages 53,55)**To view the replacement "trees" which have already been planted, please see the attached picture. I suspect it will be years before the replacement trees will come close to sequestering and performing runoff interception.

Staff Response:

These trees were not evaluated as part of the Urban Forest Management plan (UFMP). Only the trees surveyed as part of the plan are part of this evaluation i.e. downtown and business areas, not residential areas. This section of the UFMP is referring to a program, iTree, that provides information about specific tree species potential to address climate change and intercept runoff. If these trees are 24-30 years old, they are fairly small Monterey cypress potentially due to the location under the Eucalyptus and therefore most likely do not provide the same benefits that a full grown Monterey cypress would provide.



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Appeal Request relief or action

Unless the 4 public trees are individually evaluated and found hazardous, the criteria for their removal has not been met. They should be allowed to remain as public trees that everyone who enters Cerrito Peak from Shasta Street enjoys.

Staff Response Summarized:

The applicant did provide an Arborist's report highlighting the trees' decline that cannot be reversed and potential for windthrow hazards. Additionally, the arborist's reports states "There is no chance that any accommodating actions can be taken to bring them back to health or help them structurally". Also, the applicant does have plans to replace these trees.



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Recommendation

**Deny the Appeal and Uphold the Director's
Approval for case #TRE20-183 removal of
four trees in the public right-of-way,
355 Cerrito Ln.
by adopting
Planning Commission Resolution 01-21**



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