



## CITY of LAGUNA NIGUEL

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OFFICE OF THE  
CITY MANAGER  
Tamara S. Letourneau

September 9, 2019

Presiding Judge of the Superior Court  
Superior Court of California, County of Orange  
700 Civic Center Drive, West  
Santa Ana, CA 92701

Re: Grand Jury Report: Orange County's Urban Forest

Your Honor:

This letter is the City of Laguna Niguel's response to the Findings and Recommendations of the 2018/19 Orange County Grand Jury's ("Grand Jury") report on Orange County's Urban Forest. In the report, it was stated that the Grand Jury observed that there was a great disparity between the Orange County City's Urban Forests and wanted to study the reasons behind the disparity. It further posed the following questions:

1. Why is it that some cities in Orange County have a healthy and vibrant Urban Forest while others do not?
2. Are there best practices in creating and maintaining a healthy Urban Forest, and if so,
3. Why aren't these practices followed by every City?

According to the California Penal Code Section 933.05, "there is a requirement for Public Agencies to respond to the findings and recommendations of this Grand Jury Report." As to each Grand Jury finding, the responding person or entities shall indicate one of the following:

1. The Respondent agrees with the finding
2. The Respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

At the outset, it must be noted that Laguna Niguel was surprised to be included in the Grand Jury's report and takes exception to much of its findings. From its inception, Laguna Niguel intentionally dedicated a full one third (1/3) of its land to open spaces specifically to provide its residents a connection to nature and a respite from urban life. These open spaces are replete with trees, shrubs, grasses, and plants of countless varieties that make life in Laguna Niguel one that is lived in harmony with nature. Laguna Niguel was one of the earliest master planned communities in California. As such, we have ample evidence from early photographs from famed photographer Ansel Adams demonstrating that there were no trees of any kind in the area prior to Laguna Niguel's development. Therefore, every tree, shrub, and blade of grass now present in Laguna Niguel is the result of more than 60 years of intentional effort to provide a welcomed offset to other forms of development in the area. Importantly, like all of California, Laguna Niguel is inordinately mindful of the extraordinarily limited water resources available to care for its residents and our open spaces. These critical resources must be preserved and conserved with great care. The Grand Jury's report fails to address this reality and appears to be based upon a premise that water resources are unlimited and that California's environment can support an endless number of trees. Such is obviously not the case and

is at odds with much of California's environmental policies. That said, Laguna Niguel gets it right by providing a beautiful, lush, well-manicured, and environmentally friendly home for its residents and guests. In keeping with its obligations, Laguna Niguel has provided its responses below to the Grand Jury's specific comments.

**F1. Cities identified in F10 have dedicated a portion of their general fund budget to an Urban Forest program; however, the allocated percentage varies widely among cities (See Appendix B).**

F1. Response: Laguna Niguel agrees with the finding.

**F2. In order to efficiently manage financial and staff resources, Orange County cities identified in F10 utilize contract services for their tree maintenance and services. Some cities also maintain a small staff to supplement contract services.**

F2. Response: Laguna Niguel disagrees with this finding. Laguna Niguel utilizes contract services for their tree maintenance. Laguna Niguel employs one full-time staff member to manage the tree services contract. We believe that supplementing city staff with contract services is an efficient use of resources.

**F3. City Councils for the cities identified in F10 are supportive of their Urban Forest programs and budget requests made by their respective City Managers and Public Works Departments.**

F3. Response: Laguna Niguel agrees with the finding and notes the significant planning and outlay of funds necessary to fulfill its commitment to the city's Urban Forest program.

**F4. Cities interviewed for this report reported minimal financial liabilities from tripping hazards, root intrusions, and falling branches and trees.**

F4. Response: Laguna Niguel agrees with the finding but notes that this question appears to seek information only for "reported" liabilities. Laguna Niguel has spent substantial sums to maintain its trees to preclude those issues from occurring. Laguna Niguel does not view those preventive measures as "minimal" as the finding suggest. But for Laguna Niguel's significant and costly efforts in removing diseased trees, the extent of any potential liability was significantly reduced.

**F5. Cities identified in F10 have not been successful in ensuring that residents are aware of their city's Urban Forest Program.**

F5. Response: Laguna Niguel completely disagrees with this finding. Each year Laguna Niguel holds noticed public hearings detailing the costs of its programs including the tree maintenance. Another part of a healthy Urban Forest is the replanting of trees and the planting of new trees as part of the yearly Capital Improvement Program (CIP). This too is identified and discussed each year during the budget process, which are noticed open public meetings. Further, driving through this community it is evident to every community member and visitor that Laguna Niguel takes our urban forest management program seriously. The trees in this community are extremely well maintained and it is a priority.

**F6. Environmental and economic benefits provided by Urban Forests have not been fully realized in Orange County cities identified in F10 and the unincorporated areas of Orange County.**

F6. Response: Laguna Niguel disagrees with this finding. Laguna Niguel appreciates and understands the environmental and economic benefits of a healthy Urban Forest. For example, property values within Laguna Niguel are among some of the highest in the County, Laguna Niguel also realizes higher valuations of City parks with larger number of trees, and it is known that higher occupancy rates exist within multi-family apartments as a direct result of a healthy urban forest.

**F7. Cities identified in F10 do not coordinate their Urban Forest Programs with each other.**

F7. Response: The respondent disagrees with the premise of this statement. Laguna Niguel is aware of no requirement, and none is cited in the Grand Jury's report, requiring coordination between the cities identified in F10. That notwithstanding, the City welcomes the opportunity to discuss these matters with neighboring cities but not necessarily all cities identified in F10.

**F10. The following cities have significantly fewer public street trees per resident than other Orange County cities (Appendix B).**

- La Palma
- Laguna Beach
- Laguna Niguel
- Laguna Woods
- Santa Ana
- Stanton
- Westminster
- Yorba Linda

F10. Response: Laguna Niguel completely disagrees with this finding. Laguna Niguel was one of the first master planned communities in California. From its inception, Laguna Niguel's General Plan has set aside more than one third (1/3) of the City to open space uses (3,677 acres). The significant amount of Open Space area is one of the key features in defining the character and urban form of Laguna Niguel. It is important to note that when development of the city began more than 60 years ago, there were no trees of any kind in the area. Without exception, every tree, shrubbery, and greenery of every kind currently within Laguna Niguel were placed there intentionally. The Street Tree inventory contained in the Grand Jury's report gives the incorrect impression that there are fewer trees in the Laguna Niguel when compared to other cities; however, Laguna Niguel's Street Tree Inventory lists only those trees found in our street medians. This number belies the true nature of Laguna Niguel's Urban Forest. Homeowner associations located throughout Laguna Niguel own and maintain the property adjacent to our city street up to the back of the sidewalks. This includes all of the trees in both parkways of each street, and the open space slopes along the street corridors. The trees in these areas far outnumber the trees in the street medians.

Laguna Niguel understands and agrees that a healthy Urban Forest, including trees and natural vegetation is essential in maintaining a high quality of life in Laguna Niguel. The following Laguna Niguel City streets have been designated on the Orange County Master Plan of Scenic Highways as Landscaped Corridors:

- Alicia Parkway (north of Aliso Creek Road)
- Camino del Avion
- Crown Valley Parkway

- La Paz Road
- Moulton Parkway
- Niguel Road (from Crown Valley Parkway to Camino del Avion)
- Street of the Golden Lantern

To comply with Section 933(b), Laguna Niguel will address the Grand Jury Recommendations by reporting the following actions:

**R1. By September 30, 2019, each City listed in F10 and the City of Mission Viejo should commit to continue regularly scheduled tree inspection and maintenance cycles to enhance public safety and to minimize future liabilities due to tree-related claims (F4).**

R1. Response: The recommendation was implemented long before the Grand Jury's report. Laguna Niguel has been a member of the California Joint Powers Insurance Authority (CJPIA) since incorporation in 1989 and coordinates all potential liability issues and programs through the CJPIA. Laguna Niguel contracts yearly for maintenance and regularly inspects the trees and infrastructure to minimize future liabilities and claims and enhance the public safety.

**R2. By September 30, 2019, Orange County cities listed in F10 should implement a program to coordinate with non-profit and volunteer organizations to improve residents' awareness of the City's Urban Forest benefits and promote active involvement with ongoing programs (F5).**

R2. Response: Laguna Niguel has long been aware of the importance of the development and upkeep of a healthy Urban Forest and has committed significant resources through the years to developing and maintaining the greenery through the city. Resident awareness and support are important aspects of a successful program and Laguna Niguel will continue its efforts to promote these issues.

**R3. By September 30, 2019, Orange County cities listed in F10 should develop and implement policies and practices that will benefit their Urban Forests and explore ways to improve their street tree count (F1, F6, F10).**

R3. Response: This recommendation was implemented by Laguna Niguel long before the Grand Jury's report. Laguna Niguel's current contract and program continues to benefit the city's Urban Forest. Laguna Niguel continually identifies funding opportunities and includes tree planting in the yearly CIP to improve the street tree count.

**R4. By September 30, 2019, the County of Orange and each of the cities listed in F10 should individually, or through an MOU or other cooperative agreement with as many other Orange County cities as are willing to cooperate, hire or contract with an Urban Forest Coordinator to (F7, F8):**

- Act as a resource to provide advice to the County and the cities and assist them with coordination among each other.
- Coordinate volunteer groups to participate in and enhance the County and each city's Urban Forest Program.

R4. Response: Laguna Niguel is open to considering participation in a cooperative effort in a regional approach in coordinating Urban Forest Programs.

Laguna Niguel is lush, vibrant community contains a healthy and growing tree inventory. Laguna Niguel spends tremendous public resources developing and maintaining its Public Right-of-Ways,

City Parks, wetlands, and other publicly owned spaces at the highest level. We will continue to make tree maintenance a top priority city asset.

Should there be any additional response needed, please call me at (949) 362-4300.

Thank you,

A handwritten signature in black ink that reads "Tamara S. Letourneau". The signature is written in a cursive, flowing style with a large initial 'T' and a long, sweeping tail.

Tamara S. Letourneau  
City Manager  
City of Laguna Niguel