September 18, 2019

Honorable Kirk H. Nakamura
Presiding Judge of the Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

SUBJECT: CITY OF LAGUNA BEACH RESPONSE TO THE 2018-2019 ORANGE COUNTY
JURY REPORT. "ORANGE COUNTY'S URBAN FOREST"

Dear Judge Nakamura:

The City Council of the City of Laguna Beach has authorized me to submit the City's
response to the 2018- 2019 Grand Jury report regarding urban forestry issues in Orange
County. In accordance with the California Penal Code, the City's response addresses the
Orange County Grand Jury Report findings and recommendations pertaining to the City of
Laguna Beach.

Responses to Findings F1, F2, F3, F4, F5, F6, F7, F10

**Finding 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).**

Response: The City of Laguna Beach agrees with this finding.

**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.**

Response: The City of Laguna Beach agrees with this finding.

**Finding 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.**

Response: The City of Laguna Beach agrees with this finding.

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

Response: The City of Laguna Beach wholly disagrees with this finding.

The City of Laguna Beach has paid multiple claims for injuries related to alleged tripping hazards and is currently defending itself from other tripping hazards allegedly caused by tree roots and tree wells. The City has also received multiple claims for property damage caused by falling trees and falling tree limbs. Since 2015, the City has paid approximately $480,000 for such claims and the City's insurance pool has paid over $1.8 million for such claims. Additionally, the City is spending between $50,000 and $100,000 per year on tree root mitigation work, including concrete replacement, grinding raised sidewalks, slant cutting sidewalk offsets, repair of decorative tree wells, and the installation of ADA-compliant resilient rubber tree wells.

Finding F5: **Cities identified in F10 have not been successful in ensuring that residents are aware of their city's urban forest program.**

Response: The City of Laguna Beach wholly disagrees with this finding.

As a matter of public record, the City of Laguna Beach has been named a first year "Tree City USA" by the Arbor Day Foundation. We have shared this achievement in a number of ways, including the use of social media, updates on the City's website, and an annual banner over Forest Avenue. In addition, the Laguna Beach City Council has proclaimed an annual Arbor Day for the past two years. The City's Department of Public Works has organized an annual Arbor Day celebration and tree planting activities in 2018 and 2019. We have invited the community and many of the local environmental and public interest groups to participate in the events, and they have done so. Each of the events has been well attended by the public and we anticipate continuing the annual Arbor Day celebration.

The City has an "Interested Parties List" that can be subscribed to on our website. Members of the community can receive notification of the replacement or removal of public trees if they choose to sign up for the updates.

The City Council has approved a full-time City Arborist position in the Fiscal Year 2019-20 budget. One of the main tasks for the incoming City Arborist will be to interface with members of the public, advocacy groups, other City divisions and other public agencies on urban forestry issues.

Finding F6: **Environmental and economic benefits provided by urban forest have not been fully realized in Orange County cities identified in F10 and in unincorporated areas of Orange County.**

Response: The City of Laguna Beach partially disagrees with this finding.

The report and conclusions in the Grand Jury's report are general in nature and do not fully recognize other important factors in the urban forest. Cities that have significantly different circumstances and conditions are treated with a one-size-fits-all solution that is predicated on the number of street trees per capita. This is an overly simplistic approach that does not differentiate between master planned communities with large parkways and organically developed

communities that limit the amount and location of street trees due to street size, parkway size or lack thereof, and the topography or terrain. The report also makes findings based on the population of a city, but does not consider the density of residential development or the overall lot size for residential properties.

The Grand Jury report also fails to address issue of views. While the desire for large canopy trees has its own merits, such trees also tend to reduce views which are important to many residents and visitors. Bluewater, whitewater, Catalina Island, and open space views are some of the unique defining qualities of life in Laguna Beach and significantly contribute to value of a home and the visual experience of traveling throughout the community. In fact, the City Council recognized that both outward views and sunlight onto properties so contribute greatly to the quality of life in Laguna Beach that it enacted a View Preservation and Restoration Ordinance in 2016, which established a right for property owners to preserve selected viewing locations and restore pre-existing views that have been impaired by trees or other vegetation. The ordinance is managed by the Department of Community Development and an appointed View Restoration Committee composed of residents. It is likely that increasing tree canopies in many areas of the city would be unpopular and would lack support from interested and affected residents.

The Grand Jury report also fails to consider the amount of land dedicated to the preservation of open space in the cities studied. The City of Laguna Beach has been a leader in this area and in fact has been an advocate of open space preservation for decades. Laguna Beach is surrounded by over 16,000 acres of open space, often referred to as the "Greenbelt," much of which contains trees that should be counted or considered in any study regarding the urban forest. Much of this area is leased to the County of Orange for use as part of a regional park.

Due to the above-described factors, there are limits to the amount of street trees that can be accommodated within the incorporated city limits of Laguna Beach. Laguna Beach is working towards increasing street trees in locations that can accommodate them without reducing ADA access, disrupting view equity, or causing tree overcrowding due to density.

Public trees are an asset to the community of Laguna Beach and the City is dedicated to planting and preserving these trees whenever possible. The City continues to provide an annual budget specific to this effort. The City Council is very supportive of urban forestry and the maintenance and preservation of public trees. The City Council has added a full-time City Arborist position beginning in Fiscal Year 2019-20. This position will be dedicated to improving all aspects of the urban forest program.

Finding F7: **Cities identified in F10 do not coordinate their urban forest programs with each other.**

Response: The City of Laguna Beach agrees with this finding.

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

Response: The City of Laguna Beach partially disagrees with this finding.

The City of Laguna Beach agrees as a purely numerical matter with the finding that Laguna Beach may have fewer trees per resident than some other trees in the Grand Jury study. However, the City disagrees with the metric used by the Grand Jury to make its findings.

"The method of calculation was to divide the number of city owned street trees by its population and multiply by 100. The resulting number corresponds to the city's street trees per 100 residents. The number was used to rank the cities as High, Medium and Low, based on natural groupings (Appendix B)."

The Grand Jury fails to take into consideration many factors that should be considered when making their findings. The one-size-fits-all findings do not adequately represent the available space to place street trees in an older, established community that has narrow streets, no developed parkways with sidewalks or planter strips, and values ocean views as strongly as Laguna Beach. The report also fails to consider the amount of open space in a given community and the amount of trees and other vegetation that have been preserved. The report also fails to evaluate the size, age and species of trees within each community. The urban forest in Laguna Beach is older and more mature than many cities since our City was incorporated in 1927.

It would be impossible for the City of Laguna Beach to have as many street trees as many newer master planned communities. The topography, street size, and organic development of the city simply cannot support the same amount of street trees as a master planned community that has not been incorporated since 1927.

Responses to Recommendations R1, R2, R3, R4

Recommendation 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.**

Response: The City of Laguna Beach has implemented this recommendation.

The City of Laguna Beach already has regularly scheduled tree inspections and maintenance cycles for all City-maintained trees. Nevertheless, having these in place cannot always prevent future liabilities due to tree-related claims. Many issues are tree species related, and to eliminate those hazards would require the wholesale removal of many large trees that have a propensity to displace sidewalks or to have sudden limb failures. The removal of these trees would result in significant public resistance, diminished aesthetics and reduced property values.

Maintenance and inspection can prevent some tree-related liability issues but cannot eliminate them entirely. The City of Laguna Beach strives to strike a balance between tree removals for safety, tree replacement and tree preservation.

The City Council has increased the budget for tree maintenance over time in both the Parks and Streets maintenance division budgets as shown in the table below:

Program Budget	FY 2010-11	FY 2014-15	FY 2017-18	FY 2019-20	FY 2020-21
Parks	$37,000	$67,000	$80,000	$112,000	$112,000
Streets	$70,000	$139,000	$209,000	$210,000	$212,000
Arborist				$187,000*	$147,200
Total	**$107,000**	**$206,000**	**$289,000**	**$509,000**	**$471,200**

*Includes one-time vehicle purchase in FY2019-20

Recommendation 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.

Response: The City of Laguna Beach has implemented this recommendation.

The City of Laguna Beach already provides interaction with various organizations and the community promoting the program. As a matter of public record, the City has been named a first year "Tree City USA" by the Arbor Day Foundation. We have shared this in a number of ways, including the use of social media, updates on the City's website, and an annual banner over Forest Avenue. In addition, the City Council has proclaimed an annual Arbor Day for the past two years. The City's Department of Public Works has organized an annual Arbor Day celebration and tree planting in 2018 and 2019. We have invited the community and many of the local environmental and public interest groups to participate in the events, and they have done so. Each of the events has been well attended by the public and we anticipate continuing the annual Arbor Day celebration.

The City has an "Interested Parties List" that can be subscribed to on our website. Members of the community can receive notification of the removal and replacement of public trees if they choose to sign up for the updates.

The City Council has approved a full-time City Arborist position in the Fiscal Year 2019-20 budget. This position was requested as a part of the Public Works Department Strategic Plan. One of the main tasks for the incoming City Arborist will be to interface with members of the public, advocacy groups, other City divisions and other public agencies on urban forestry issues.

Recommendation 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.

Response: The City of Laguna Beach has implemented the majority of this recommendation and will be implementing the remainder of it by June of 2020.

The City Council recently amended the Tree Removal Policy for Public Trees to add a

Replacement element for trees that are removed. This encourages the replacement of trees that are lost due to age, disease, accidents, or other factors whenever possible.

The City Council has also approved a full time City Arborist position in the Fiscal Year 2019-20 budget. This position was requested as a part of the Public Works Department Strategic Plan. One of the main tasks for the incoming City arborist will be to enhance the urban forest program and to provide the city with goals, performance measures and data collection on urban forestry in Laguna Beach.

The City of Laguna Beach is in the process of completing the Village Entrance project. This project includes the addition of 110 public trees in the downtown area by June 2020.

The Public Works and Community Services Departments are currently working on a Downtown Implementation Plan as directed by City Council in 2018. This plan will establish recommended tree species, recommended tree spacing, recommended tree well treatments and will provide staff with a guide to enhance tree planting in the downtown area by April 2020.

Recommendation 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):**

Response: The City of Laguna Beach will not be implementing this recommendation because it is not warranted.

The City does not agree with the metric that the Grand Jury applied to this issue, and therefore does not believe it was fairly classified in F10.

The City also believes that urban forestry decisions are best made at the local level by the citizens of Laguna Beach through their elected representatives on the City Council and not by an MOU with other agencies. In this regard, the City Council has approved a full time City Arborist position in the Fiscal Year 2019-20 budget. One of the main tasks for the incoming City Arborist as identified above in F5 is to improve the urban forest and to provide the City with goals, performance measures and data collection on urban forestry in Laguna Beach. This is much more efficient than what the Grand Jury is recommending.

We are disappointed and disagree with the fact that the Grand Jury, when making Recommendation R4, failed to include all cities within Orange County.

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The City of Laguna Beach appreciates this opportunity to respond to the findings and recommendations contained in the Orange County Grand Jury's report.

Sincerely,

John Pietig
City Manager

cc: City Council
        Orange County Grand Jury