

THOUSAND OAKS CITY COUNCIL



Supplemental Information Packet

H. Lawrence

Agenda Related Items - Meeting of April 14, 2015
Supplemental Packet Date: April 9, 2015

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public inspection in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2) Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks Boulevard.

Americans with Disabilities Act (ADA):

In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department at (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet, can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.



Community Development Department
MEMORANDUM

2100 Thousand Oaks Boulevard • Thousand Oaks, CA 91362
Planning Division • Phone 805/449.2323 • Fax 805/449.2350 • www.toaks.org
Building Division • Phone 805/449.2500 • Fax 805/449.2575 • www.toaks.org

TO: Scott Mitnick, City Manager
FROM: John C. Prescott, Community Development Director
DATE: April 9, 2015
SUBJECT: **Agenda Item 8A – Oak Tree Ordinance Amendment (MCA 2014-70145)**

The attached letter and exhibits were submitted by the Board of Directors for the Braemar Garden Homeowners Association. The letter expresses concern relating to the potential impacts excluding multi-family from the “owner-exemption” process will have on their community.

2015 APR -9 PM 2:00
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

TO COUNCIL 4-9-2015
AGENDA ITEM NO. 8.A.
MEETING DATE 4-9-2015

toaks.org

BRAEMAR GARDEN HOMES OWNERS ASSOCIATION
c/o Ross Morgan and Company, Inc. AAMC
23901 Calabasas Road, Suite 2004
Calabasas, CA 91302

April 4, 2015

City of Thousand Oaks City Council
c/o Community Development Department
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91360

Re: Oaks & Landmark Tree Ordinance Hearing

Dear Mayor and Council Members:

We are writing you with our concerns and suggestions regarding the above referenced matter and recommendations from the Landmark Tree Review Committee and Planning Commission.

Over the past 25 years our Association has been responsible for the care of 3 landmark Oak Trees, over 120 nursery grown Oaks and well over 400 other trees of various varieties. All of these concentrated within the very small confines of the 80 units within our condominium development. We love our trees and take great pride in their care and overall appearance of our community, but it has been a very heavy burden on our finances, volunteer board and committee members

At the time these trees were planted 25 years ago, our development's "City-approved Landscape Plan" gave little, if any, consideration to placement and consequences of future growth. As many as 3 Oak Trees were planted in yards less than 20' feet square on the sides. Numerous others were placed in very narrow driveway medians, immediately over critical drainage lines, and in very close proximity to homes and other property improvements. Among other things, our limited number of street lights are now totally encompassed and obscured by trees, yards have flooded, driveways and walks have cracked and lifted causing dangerous conditions.

We have no doubt that the efforts and recommendations made by the Landmark Tree Review Committee was well meaning. We are seriously concerned, however, that the make-up of the Committee did not reflect any representation from, or consideration for the many unique issues related to multi-family Condo and/or Townhomes Homeowners Associations. Residential members of the Committee appear to have all been appointed solely from detached single family developments.

Multi-family condo/townhome homeowners associations differ in many ways. Many operate under a City-Approved Landscape Plan" which already precludes them from the rights to remove "owner planted" Oak Trees under the Type E Permit afforded single family residents and homeowners associations. Ownership rights, responsibilities, personal interests and density are very diverse and complex; including maintenance and care of landscaping and trees. These issues, and others, require a much more intense and timely level of hands on efforts and care on the part of laymen committee and board members.

We have gone to great lengths to care for and preserve all our trees and landscaping whenever possible and practical. In addition to fulfilling City requirements, we have independently retained licensed arborists, irrigation experts and landscape architects for advice. These experts have advised us that in many cases it's not an issue of if we will lose most of our Oak Trees or incur significant property damage, but how soon. Imposing onerous, expensive removal requirements on top of costly repairs and replacements will only serve to place and even greater burden and disservice upon us. We are led to believe other similar situations exist within other townhome/condo associations in Thousand Oaks

In some cases we have resolved problems utilizing the provisions of a "Type A Permit". Unfortunately, we were recently denied removals based on City staff's opinion that our trees are not sufficiently "...dead, hazardous or causing substantial physical damage..." as required by the current ordinance. In the meantime our Board suffers complaints from homeowners, expends volunteer time and does expensive repairs often running \$5,000 and up. Continual grinding of uplifted concrete sections can result in non-compliance with ADA requirements and exposes the Association to liability issues. We recommend that the City consider a revision for removal of trees that are "causing, or in the foreseeable future can be expected to cause, a hazard or significant physical damage to property".

In 2011 we were issued a "Long-Term Maintenance" oak tree pruning permit OTP 2011-70019 which we hoped would provide us with a more efficient and orderly procedure for the pruning and care of our dense oaks. In August of 2015 we retained the services of a very experienced local licensed tree trimming service, but could not proceed because we apparently need to obtain a permit to use the above referenced permit. In October we paid the fees and retained a licensed arborist to prepare a report and oversee the trimming. As of the date of this letter we do still do not have a permit to use our permit.

Prior to the current Oak Tree Moratorium our Board was working diligently with staff, our licensed landscape contractor and arborists to address some of these problems and possible Landscape Plan Modification that would, hopefully provide an orderly long term process to deal with our situation. Based on the current situation our landscape architect ceased working on the project and advised us that submission of such a plan would not likely be given any consideration. Based on his recommendation all our extensive efforts were suspended.

Layering additional requirements and burdens upon our Association, and others like us, to repair problems foisted upon us by the City itself is just not fair or equitable considering what are already the significant financial costs of compliance, repairs, volunteer time and resident's complaints. In fact, we believe it distracts from, and is counter-productive to, our sincere efforts to care for and preserve the balance of the wonderful trees we love in our community.

A few sample photos representing some of the issues we face are enclosed. Thank you for your consideration in this matter.

Sincerely,
Board of Directors
Braemar Garden Homes Owner's Association

encl: Photo exhibits

CC: Stephen Kearns, Senior Planner



Oak trees were planted directly on top of thin PVC drain lines servicing individual units yards. Crushed lines have resulted in flooding and emergency repairs.





Cherry Creek Cir. & Roundtree Pl.

Oak trees have completely encapsulated our only street lights.

Shortly after Edison cut a large section out of our Blue Mountain/ Westview tree a large branch broke off in the street. It was very fortunate that no damage or injury occurred.



Blue Mountain Cir. & Westview Ct.



Expensive repairs are made to driveways and improvements, Unfortunately the same damage just re-occurs as the source cannot be removed.



Hopefully, sewer and water lines are strong and deep enough to avoid damage from oak tree roots.



Frequent trip hazards are among homeowner concerns. Shaving concrete is only a temporary solution.





Oak tree roots suddenly lifted a resident's driveway making it impossible to open the garage door.



If, in fact, our oaks planted in confined areas such as below can survive they may cause damage to yard and/or retaining walls.

