

Gabriela Odell  
C. Bruce Tarter  
1591 Hillgrade Ave.  
Alamo, CA 94507

February 5, 2017

Community Development Division  
Application and Permit Center  
30 Muir Road.  
Martinez, CA 94553

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2018 FEB -5 AM 11:27  
APPLICATION & PERMIT CENTER

RE: County File TP17-0033  
Appeal from Panning Commission Decision dated January 24, 2017

I. Introduction

This is an appeal from a Planning Commission decision rendered on January 24, 2017 denying an appeal brought by Bruce Tarter and Gabriela Odell ("Appellants") at 1591 Hillgrade Avenue in Alamo to overturn the approval of an application by the property owners Gil and Carla Gibson (applicants") at 1593 Hillgrade Avenue to remove three large code protected redwoods from their property. The Planning Commission's deliberations ended in a three-to-three tie, with the recommendations by the Conservation and Development Department staff breaking the tie. The appeal is brought on the following grounds:

1. The Conservation and Development Department staff ("staff") failed to properly consider and evaluate the expert reports in light of the County's Tree Protection and Preservation Ordinance. The staff admitted that the decision to approve the removal of the trees was simply based on the fact that the applicant had submitted two reports while the appellants had submitted one. One of the reports was undated, unsigned and without letterhead. The staff did not provide any evaluation of the relative quality of the reports, nor the qualifications of the arborists who wrote them. In fact, they mischaracterized the report prepared by the appellants' expert as being in agreement with those of the applicant. At the hearing this was strongly contradicted by the author of the report in oral testimony as well as by Commissioners who had read it. This simple-minded method of making decisions defies logic as well as staff's duties under the law.

The three commissioners who voted to uphold staff's recommendations did not apply or consider the requirements of the tree protection ordinance and simply followed the staff's recommendations despite overwhelming evidence from a highly qualified certified master consulting arborist that the trees were healthy and could be saved.

2. Because the decision to allow the removal of the code protected redwoods was simply based on a “numbers game,” appellant hereby submits a second report by a Certified Master Arborist who separately evaluated the trees. While affirming that the trees in question are healthy and should be protected, she also emphasizes the function the trees currently provide to prevent soil erosion and mud flow on the hill directly above appellants’ house.

As Commissioner Clark and Chairman Steele correctly stated at the hearing, there is simply no good reason presented by the applicants or the staff as to why the trees should be removed. Commissioner Clark noted staff had failed to provide any analysis of which arborists’ reports had been more accurate. Chairman Steele noted correctly that the trees are in a watershed where they will get plenty of water and will recover from construction damage. Commissioner Van Buskirk actually drove by and looked at the trees and did not “see them as anything that needed to be removed.” The Commissioners all noted their personal experience that redwoods are able to survive almost anything.

The three commissioners who voted in favor of the staff recommendations simply did so because of the staff’s superficially considered recommendation, and their belief that “property rights” took precedence over the requirements of the tree protection and preservation ordinance.

## II. BACKGROUND

Appellants Tarter and Odell live adjacent to the applicants and moved into their home in late 2013. At that time the lot next to them was a single one-acre parcel with a small unoccupied house at the top. The lot was split into two irregular shapes and a building permit was granted for the construction of a 3500 square foot home on the small buildable portion of the lower lot next to appellants. There were eight code protected trees on the property at the time. The Department allowed several redwoods to be removed to permit the building of the home. An agreement was entered into between Tarter/Odell and the County that four redwoods would be replanted to provide screening from the large home being constructed. The building permit also required protective measures recommended by Waraner Tree in 2014. None of the protective measures was ever enforced and the four new trees were allowed to die and were removed by applicants without permission. The new home was completed around November 2016.

Two of the code protected redwoods in question currently sit at the fence line between appellant’s and the applicant’s property. The largest is 40 inches in diameter. The third sits on the common driveway shared by appellants Lomit and Sophie Patel and applicants. The trees are probably at least 50 years old and provide screening from the neighbors on the hill above and have always been an attractive feature in the neighborhood. They also sit directly in the watershed coming down the steep hill above and protect appellants from mud flow during heavy rainstorms. In fact, during those storms, a rapid torrent of water flows directly from the canyon above the trees into appellant’s property, to the point where flooding

sometimes occurs. If the trees were not there, that water would likely carry large amounts of mud with it onto appellant's property. (Two photographs are attached, one showing the area beneath the fence next to the 40 inch tree that is already being eroded, the other showing how the trees screen the Tarter/Odell property from the Patel house as well as other properties on the hill.)

### III. The Tree Protection and Preservation Ordinance

The Coast Redwoods at question here are protected under County Ordinance 816-6.6004. They are considered "indigenous tree" under the ordinance. The ordinance requires a number of factors in approving or denying a tree permit removal. If the tree is to be removed because of health, the code requires:

(A) The arborist report indicates that the tree is in poor health and cannot be saved.

The code also states the reasons for denial of a permit include a determination that:

(B) It is reasonably likely that alteration or removal of the tree will cause problems with drainage, erosion control, land stability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree;

(C) The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival;

(D) The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner;

### IV. The Staff Report upon which three of the Commissioners relied in denying the appeal was flawed

The staff report did not even mention the factors required to be considered by the Tree Preservation and Protection Ordinance. It simply concluded the trees were "unhealthy" without any analysis of their survivability or the consequences of removing them. Nor did they pay any attention to appellants' letter expressing concerns about the consequences to the hillside and the potential mud flow if the trees were removed. The trees' roots provide an extensive system that keeps the bare dirt on applicants' property from flowing directly underneath the fence and into appellants' property.

The applicant submitted two arborists reports, one by a Tim Hendricks that was undated, unsigned and without letterhead. The other is dated October 12, 2017 by a Bob Peralta of BrightView Tree Care Services. Background research indicates that Gil Gibson, the neighbor applicant, is a landscape contractor who worked for 23 years for a company that is now BrightView. Tim Hendrick's LinkedIn page also shows that he works for BrightView. These facts lead one to the suspicion that these are by no means "independent" arborists but are likely cronies of the applicant.

These two reports are conclusory without any basis for their opinions, nor do they contain any information as to why the arborists are particularly qualified concerning redwoods. In contrast, Torrey Young of Dryad Tree, who testified at the hearing on behalf of the appellants is:

1. an ISA Board Certified Master Arborist. He is also Vice Chair of the committee that writes the BCMA qualifying exam questions and the committee that writes the national industry ANSI standards.
2. an American Society of Consulting Arborists, ISA Municipal Specialist and Certified Urban Forrester;
3. Tree Risk Assessment Qualified
3. Has been in the business for 45 years
4. Has twice served as a Consulting Arborist to Contra Costa County and has served as an expert witness more than 100 times.
5. Unlike Applicants' arborists, he does not cut trees for a living and only serves as an independent consultant.
6. He has had no affiliation with Brightview.

His report and testimony provided overwhelming support to the appellants' contention that the trees are recovering rapidly from the construction damage and are not in any danger of dying or being considered a danger. They are exhibiting new growth and no evidence of disease.

Furthermore, the staff falsely and erroneously asserted that Mr. Young's report "agreed" with the reports of the two applicant arborists. When asked to explain this by the Commission at the hearing, staff falsely asserted that the reports "overlapped" but had to admit that Mr. Young's conclusion was different.

Despite these flaws and the strength and quality of Mr. Young's qualifications and report, the staff and the three members of the commission simply rubber stamped the application based on their "2 to 1" logic and their personal bias that property rights are more important than compliance with the tree protection ordinance.

Those Commissioners who voted to deny the tree removal application stressed that their job is to apply the tree protection ordinance to preserve the trees. Besides Mr. Young's report and testimony, they relied on their own personal experience with the resiliency of redwood trees and their ability to survive for thousands of years through almost any kind of construction, climate, fire or flood damage.

V. Appellants second report, also written by an eminently qualified Certified Master Arborist, supports Appellant's first report

Judith Thomas is a former faculty member of the Department of Landscape Horticulture at Merritt College. Like Torrey Young, she is a Certified Master Arborist and is Tree Risk Assessment Qualified by the International Society of Arboriculture. She has extensive experience with redwoods and has taught and consulted about them for many years. Her report extensively explains why the trees in question are not in any danger of dying and are likely to recover their former lush appearance.

Besides the resiliency of the trees, the report also discusses the large amount of water drainage that flows down the hill to appellants' property causing flooding during storms. The trees provide an elaborate root system preventing the soil from loosening on the hillside and flowing into appellants' property.

The staff completely failed to take these facts in account. It is not clear that they ever personally performed an inspection. Furthermore, no one, including the one commissioner who did personally view the neighboring property, ever viewed appellants' property (which is located behind an iron gate) and thus could not have evaluated the screening function performed by the two trees on the appellants' fence line.

#### VI. Conclusion

Three of the voting commissioners, including the Chairman, correctly concluded that the staff and the applicant had provided no reliable evidence that the trees in question are in danger of dying. Commissioner Clark stated twice that "there is something going on here" that he could not understand as he saw no reason for the staff's recommendation. The trees do not interfere with any development of the property and sit harmlessly in a corner well away from the house. Commissioner Van Buskirk correctly stated that applicant's plan to replace the redwoods with fully grown oak trees did not make sense in light of the fact that he would be replacing established trees with an extensive root system with fully grown oaks that would take years to take root and would be at risk of failure. None of appellants' reasoning makes sense.

Allowing applicants to cut these beautiful trees would render the tree protection ordinance meaningless. The staff's simple-minded method of determining outcome by counting how many reports are submitted by each party without regard to their quality would, if taken to its extreme, enable any party to win by simply flooding the staff with multiple reports. This surely can't be the way decisions are made.

The permit should be denied.

Gabriela Odell

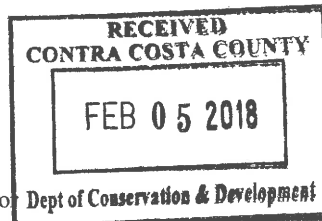


Bruce Tarter



Attachments (3)

JUDITH L. THOMAS  
BAY AREA PLANT CONSULTANTS  
Arboricultural Consultant, Horticultural Advisor  
83 Mission Hills Street  
Oakland CA 94605-4612  
1(510) 568-2960 (phone), 1(510) 878-2744 (fax)  
<http://bayareaplantconsultants.blogspot.com>



Retired Full-time Faculty Member  
Dept. of Landscape Horticulture  
Merritt College  
12500 Campus Drive  
Oakland CA 94619  
plantinfolady@me.com



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Sophia Patel  
1597 Hillgrade Ave.  
Alamo CA 94507  
[sophie.patel@gmail.com](mailto:sophie.patel@gmail.com)  
1(415) 306-1776

2/2/18

### Summary

On 1/29/18, I examined the redwood trees belonging to your neighbors that used to grow on your property at 1597 Hillgrade Ave., Alamo CA 94507, before the property was subdivided. The trees now grow at 1593 Hillgrade Ave. You asked me to form my own opinions about your situation, and to write this letter for you to present to the City of Alamo's Planning Commission and the City Counsel regarding their condition and whether or not they should be removed. You, Sophia and Lomit Patel, and your neighbors, Gabriela Odell and Bruce Tarter, at 1591 Hillgrade Ave., have appealed the decision of the Planning Commission, because you don't want these trees to be removed.

I have reviewed the reports from the other arborists, a soil report on water coming down the canyon, and the current conclusion of the Planning Commission. These items are listed and discussed below.

As described in detail below, it is my opinion and conclusion that the redwoods are regenerating themselves from both drought and construction damage, and have seen the new growth that is now visible from offshoots at the base of the trunks and from the *epicormic shoots*<sup>1</sup> growing throughout the lower canopies. With some pruning, possible cabling, and irrigation recommended by both Torrey Young and me, these trees will recover. Torrey Young and I are both Board Certified Master Arborists and are Tree Risk Assessment Qualified with the International Society of Arboriculture, and can speak to the issues not brought up by Tim Hendricks and Gil Gibson. And I recommend that the Planning Commission rescind their recommendation for removal of the trees and follow the Alamo Tree Protection Ordinance.

### Introduction

### Background and History

On 1/25/18, you called me regarding your concerns about your neighbor's redwood trees, located at 1593 Hillgrade Ave, Alamo CA, that they want to remove. You told me that you had been told that your neighbors had produced two arborist reports, and you had produced only one; and you asked me for a second opinion. We arranged for me to visit your home to see the situation. On 1/29/18 I made the site visit, and met your neighbor, Gabriela Odell, and you in front of your home, to view the trees and to discuss the situation.

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<sup>1</sup> Please refer to the Glossary of Terms as needed.

We did not enter the property at 1593 Hillgrade Ave., and I did not perform any advanced investigative work except to take images, but I reviewed the reports listed above, and am basing my opinions on my extensive knowledge of coast redwoods and how they grow and respond to their environment and construction impacts.

While performing my visual assessment of the trees, I observed considerable dieback of branches, but I also saw healthy trunks and lower branches that are re-sprouting new growth from both branches and trunks, and new offshoot second growth trees growing from the base of the larger trees – as is typical for coast redwoods. I also saw no evidence of insect damage or disease. My observations are consistent with those made by Torrey Young, in his report written to your neighbor Gabriela Odell - who wants the trees retained. Young's report indicates that the Google Earth images show the trees in better health in the past.

### Assignment

On 1/29/18, during my site visit, you and your neighbor, Gabriela Odell, asked me to review some material that you sent me, and to form my own opinions of the situation regarding the redwoods, and whether or not they should be removed. You also asked me to prepare this letter detailing my conclusions regarding the other arborist reports and their opinions.

### Limits of the Assignment

My report is based on my observations, my images of the trees taken on 1/29/18, and the information and images sent to you in the other reports listed. Some of my images are included in Appendix A, with comments on each image.

I have no personal interest in or bias with respect to the subject matter of this evaluation report or the parties involved. I have inspected the subject trees and, according to my knowledge and belief, all statements and information in this report are true and correct and are based on my education and experience.

### Purpose and Use of the Report

The purpose of this report is to document my site visit, to identify the plants and the property in question, and to describe my observations and conclusions regarding your situation.

This report can be used by you, as you see fit.

### Observations

First, I determined that the subject *trees*<sup>2</sup> on your neighbors' property are a group of *Sequoia sempervirens* (coast redwoods,) that are native to the Pacific coast of northern California. According to you, the three trees had once been part of your property before the lot was subdivided and the home at 1593 Hillgrade Ave. was built.

You told me that, in the past, there had been other redwoods on the property at 1593 Hillgrade Ave. that had been removed without permission by your neighbors, and that you are now concerned about losing the visual screen between you and the neighbors' new home with the redwoods that remain. You also told me about soil and drainage issues you've had in recent years, with water intruding into your home. And Gabriela Odell expressed concern about the water that would flood her property as well, if the trees are removed.

I saw the trees and the current *dieback*<sup>3</sup> issues with them, but also told you about how coast redwoods grow and recover from damage. I saw both the presence of new offshoot trees, or suckers, growing from the base of the

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<sup>2</sup> Please refer to the Glossary of Terms as needed.

<sup>3</sup> Please refer to the Glossary of Terms as needed.

trunks; and I saw the presence of epicormic shoots, or new growth, coming from the branches and trunks throughout the canopies of the trees. These shoots emerge from latent lateral buds buried beneath the bark, and are the trees' backup system - in case the major branches die back or are lost.

Finally, I saw the area above your home, where water drains down the canyon, and onto your property and onto the properties below.

#### Analysis or Testing:

I took some images that illustrate my conclusions, and confirmed the descriptions of the trees and their issues from the Young report - as they are accurate. I also read all of the reports listed above, and noted the experience or lack of experience of the arborists who wrote those reports.

I then reviewed the following items at your request:

1. A report from Waraner Tree Experts to Steven McKee, entitled *Tree Assessment at 1597 (sic) Hillgrade Ave., Alamo CA 94507*, signed by Dustin Waraner and dated 1/27/14. Specifications for protecting the trees during construction are included.
2. A Soil Report from Engineered Soil Repairs, Inc. to Sophia Patel, 1597 Hillgrade Ave., Alamo CA 94507, dated 4/25/16, that describes the amount of water coming down the drainage and erosion problems on the site.
3. A letter/report from Tim Hendricks, untitled, unsigned, and undated, citing an inspection of 4/8/17, where he concludes that the trees are unlikely to survive due to the drought.
4. A letter from Brightview to Gil Gibson, regarding 1953 Hillgrade Ave, signed by Bob Peralta and dated 10/12/17.
5. A letter from Torrey Young of Dryad LLC to Gabriela Odell of 1591 Hillgrade Ave., Alamo CA 94507, regarding the evaluation of trees relative to a tree permit appeal. His conclusion is that the trees have been most likely damaged by the combination of construction damage and drought at 1591 Hillgrade Ave., but can recover with corrective pruning, some cabling, and time.
6. A Staff Report from the County Planning Commission, listing the appeal of the Gibson tree permit. The reason given for their removal is listed as being because the trees have been determined to be in poor health. The appeal has been filed by Sophia and Lomit Patel and Gabriela Odell and Bruce Tarter.

#### Discussion and Conclusions:

I have done extensive work with coast redwoods during my thirty years of teaching at Merritt College in the Landscape Horticulture and Environmental Sciences departments. I have taken students on field trips to see coast redwoods in many places, and taught courses on CA Native Plants, Redwood Ecology, Forest Ecology, and Forestry at Merritt College. And I've done naturalist work with the Sierra Club in the past to visit coast redwood groves. Since 1992 I've also had a great many consulting jobs dealing with coast redwoods and their issues. From this experience, I know that coast redwoods are native to the fog belt of CA from just above the Oregon border down to the Santa Lucia Mountains, where they are found in the bottoms of canyons where there is enough water. They die out up north with winter snow, but can grow successfully outside their native range all over California in temperate areas by simply giving them enough water.

Some other information about coast redwoods that may be of interest is that their roots can extend out two to three times their height, although they tend to be shallow in clay soils or where there is shallow bedrock. So they can hold steep and flooded soils well. Coast redwoods naturally provide mulch to the soil in the form of dead leaves and branches; and their trunks and branches contain systems of latent lateral buds just beneath the bark that can re-sprout whenever branches are lost. After the Oakland hills fire, I watched a large group of redwoods recover in the hills over a period of several years. They had lost every single branch - leaving only blackened trunks. Over several years, the lateral buds re-sprouted to form new branch systems on all of the trees. Similar images are also included in Torrey Young's report.



I have also seen thousands of healthy redwoods in the central valley and in inland areas where they are irrigated as needed. I have seen them recover from extensive construction damage, due to the formation of new root systems and suckers from buds in the lower trunks. They are famous for recovering from both fire and flood. In addition, because they have an indirect vascular connection between their roots and their branches, if some roots are lost, the others can still provide water to the branches that survive; and then new branches form – even if there has been dieback during the process. In addition, coast redwoods sucker, and produce offsets from the base. This can be observed in the large redwood groves at Henry Cowell Redwood State Park in Felton, where old trees and their offshoots form huge “family groups.” These offshoots are also forming on the specimens seen here. If the old trees are cut down, the offsets will form new trees again on the existing roots. Redwoods are extremely hard to kill. If they are cut down, the offset trees at the base of the plants simply replace the parent trees as second growth redwoods, as happened all over California when the first growth redwoods were logged off. The second growth trees then grow from the base of the old stumps.

Since coast redwoods naturally have an *excurrent* growth form<sup>4</sup>, sometimes with one or more central leaders, they should be always be pruned to have single central leaders, that are always in control. The side branches on each leader should be pruned to be subordinate to the leader. And, if there is more than one central leader on a tree, some cabling can reinforce the connection between them as needed in urban areas.

The Tim Hendrick’s report states that testing of the main stems or the roots of the trees was not done; yet he recommends their removal, probably without the knowledge of how redwoods grow and regenerate, and with no mention of the healthy growth emerging from the branches and trunks, and the basal growth that is now occurring. He says nothing of the importance of the roots for flood control.

In the Brightview report to Gil Gibson, Bob Peralta expresses concern about the decay in the trees, and about possible tree failure. Yet he’s not a Qualified Tree Risk Assessor, and seems unaware that it takes many years for redwoods to decay - even if they die back. He also seems unaware that, with crown reduction, pruning, cabling and irrigation, these trees can be restored. Both Torrey Young and I are Tree Risk Assessment Qualified with the International Society of Arboriculture. Gibson also fails to mention the importance of the roots for flood control.

The soil report discusses the amount of water that flows down the canyon to your home and the areas below. So there will be plenty of water available to these trees in the future, as they recover from the construction damage done to them. The report states that, where bedrock is near the surface of the soil, the water will flow there. And that’s exactly where the redwood roots are growing. Roots grow where there is both water and oxygen; and the roots will regenerate.

In the *Species Classification And Group Assignment* book, written by the Western Chapter of the ISA, listed in the bibliography, coast redwoods are listed as Class 1 trees in coastal California and Class 2 trees in inland valley areas, due to their water requirements. However there are other trees protected by the City of Alamo that are far less valuable than this species. These trees are an important asset to the area, and cannot be quickly replaced – even with large boxed specimens that can take years to establish. In fact, the larger the boxed specimen is, the slower it will root and establish in the environment.

The report written by Waraner Tree Experts to Steven McKee, entitled *Tree Assessment at 1597 (sic) Hillgrade Ave., Alamo CA 94507*, signed by Dustin Waraner and dated 1/27/14, includes clear specifications for protecting the trees during construction, before the property was subdivided. The new homeowners at 1593 Hillgrade Ave. clearly ignored this advice, as can be seen in some of the images of construction damage below, where soil and roots were removed and a patio has been installed. In some of the images, cut roots are clearly visible; and they haven’t been protected.

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<sup>4</sup> Please refer to the Glossary of Terms as needed.

## Recommendations

I recommend that you ask the Planning Commission to re-read the reports submitted by all arborists, including mine, along with the recommendations made by Waraner Tree Experts in 2014, so that they can reconsider their recommendation. These redwoods are not dying, but have simply died back and lost some branches for now, mainly due to the construction damage. All they require is pruning and possibly some cabling, as recommended by Torrey Young in his report, along with continued irrigation. The trees will regenerate the lost growth if allowed to do so. The Commission should also examine the qualifications of the arborists who submitted their reports, and learn that, while Certified Arborists have knowledge of pruning and safety considerations, Board Certified Master Arborists have attained the highest certificate possible with the International Society of Arboriculture. Both Torrey Young and I are Board Certified Master Arborists.

When these trees are pruned, I recommend that the dead wood first be removed, retaining as much of the live wood and epicormic shoots as possible, and then they then be lightly reduced in height to retain their excurrent form. Torrey Young's report contains good information. A qualified certified arborist should perform the work; and tree companies can be found by area code on the International Society of Arboriculture's website.

I recommend that the Planning Commission look up information on the growth of coast redwoods, to learn just how resilient these plants can be.

I recommend that the Planning Commission follow the tree ordinance for the City of Alamo, and not make an exception to it for political reasons. If these trees are cut down, the new growth at the base of each trunk will simply produce new redwoods.

Please let me know if any of you have any additional questions. I can be reached at (510) 568-2960.

## Glossary:

decurent	Referring to crowns that are made up of a system of co-dominant scaffold branches; lacking a central leader. Contrast with excurrent.
dieback	A reduction in the mass of a tree as twigs and branches die. Progressive death of twigs and small branches, generally from tip to base.
epicormic shoots	Shoots that arise from latent or adventitious buds that occur on stems and branches and on suckers produced from the base of trees.
excurrent	Crown form in which a strong central leader is present to the top of the tree. Contrast with decurent.
tree	A woody perennial, usually having one dominant vertical trunk and a height greater than 5 m (15 ft).

## Bibliography:

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Matheny, N.P. and J.R. Clark. 1994. *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas*, 2<sup>nd</sup> ed. Urbana, IL: International Society of Arboriculture.

*Random House Webster's College Dictionary*. New York: Random House. 1999.

The Western Chapter of the International Society of Arboriculture. 1992. *Species Classification and Group Assignment*, Chandler, AZ: The Western Chapter of the International Society of Arboriculture.

#### Organizations and Forms:

American Society of Consulting Arborists, 5130 W. 101<sup>st</sup> Circle, Westminster, CO 80030, (303) 466-2722. ASCA members are skilled in tree and other plant identification, evaluation diagnosis and repair.

International Society of Arboriculture, P.O. Box GG, 6 Dunlap Ct., Savoy, IL 61874-9902, (217) 355-9411 Fax (217) 355-9516.

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information you provide.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

I, Judy Thomas, certify that:

I have personally inspected the *Sequoia sempervirens* (redwood) specimens and the property referred to in this report and have stated my findings accurately.

I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.

The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts.

My analysis, opinions and conclusions were developed and this report prepared according to commonly accepted arboricultural practices.

No one provided significant professional assistance to me.

My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member in good standing of the American Society of Consulting Arborists and the International Society of Arboriculture. I have been involved in the field of Arboriculture since 1977.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith Thomas". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Judy (Judith) Thomas  
Bay Area Plant Consultants  
February 2, 2018

**Appendix A – Tree and Damage Images Taken**

**Photo 1**



This image, taken by me on 1/29/18 from the street shows the construction damage done to the roots of the redwood trees at 1593 Hillgrade Ave. The owners of this property clearly didn't follow the recommendations of the Warner Tree Experts Report, written for the development of this property in 2014. Masses of cut roots are visible at the base of the slope, particularly toward the bottom right of the image. In spite of this damage, however, the trees will recover if the recommendations in the Torrey Young report and this one are followed.



**Photo 2**



This image, taken by me on 1/29/18 from the street at 1593 Hillgrade Ave, shows all of the trees, most of the construction damage done to the roots of the redwood trees, the regeneration of new offsets at the base of the tree trunks, and the new growth on the lower branches of these trees. The large trees, or the first growth trunks, are putting on new growth from both the trunks and the branches. And even if the large trees are cut down, which I don't recommend, the new offset trees growing at the base of the trunk will replace whatever is lost as secondary growth.

**Photo 3**



This image, taken by me on 1/29/18 from the street, shows some of the construction damage done to the roots of the redwood trees farthest from the street at 1593 Hillgrade Ave, along with some dead branches. However, the trunks of these trees appear healthy; and the new offset trees at the base of the plants clearly illustrate the recuperative capacity of coast redwoods. New growth is also visible on the lower branches of these trees. Even if the large trees were cut down, which I don't recommend, the new offset trees growing at the base of the trunk will replace whatever is lost.



**Photo 4**



This image, taken by me on 1/29/18 from the street, shows the construction damage done to the roots of the redwood tree closest to the street at 1593 Hillgrade Ave. The trunk of the tree appears healthy; and the new offset trees at the base of the plant clearly illustrate the recuperative capacity of coast redwoods. New growth is also visible on the lower branches of this tree. This image also illustrates the vast network of redwood roots in the soil that are receiving water from the canyon above.



**Photo 5**



This image, taken by me on 1/29/18 from the street at 1593 Hillgrade Ave, is a closeup of the base of the trunk of the redwood closest to the street, with many new offset trees growing at the base of the trunk. Both offsets and epicormic shoots from the branches and trunks will replace whatever growth has been lost.

JUDITH L. THOMAS  
BAY AREA PLANT CONSULTANTS  
Arboricultural Consultant, Horticultural Advisor  
83 Mission Hills Street  
Oakland CA 94605-4612  
1(510) 568-2960 (phone), 1(510) 878-2744 (fax)  
<http://bayareaplantconsultants.blogspot.com>

Retired Full-time Faculty Member  
Dept. of Landscape Horticulture  
Merritt College  
12500 Campus Drive  
Oakland CA 94619  
plantinfolady@me.com



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## SERVICES OFFERED

### **PLANT CONSULTATIONS**

- Identification of Trees, Shrubs, Groundcovers, Vines and Turf Types
- Landscape Design and Plant Selection for New Landscapes with Consideration for Drought, Fire, Freeze and Ease of Maintenance
- Modification of Existing Landscape Designs
- Replacement Plant Selection for Established Gardens
- Specifications for Planting, Pruning and Long Term Care
- Specifications for Establishment of New Turf Areas
- Pre- and Post-Construction Site Preservation Measures
- Casualty Loss Assessments for Landscapes Damaged by Fire, Flood, Drought or Negligence
- Value Appraisal of Landscape Plants
- Arbitration of Tree Disputes

### **LANDSCAPE MANAGEMENT**

- Landscape Appraisal, Evaluation and Inventory
- Tree Hazard Evaluation
- Tree and Landscape Problem Identification
- Recommendations for Long Term Care of Plants
- Assessment of Plant Health and Site Restrictions for Plant Growth
- Tree Preservation for Construction Sites
- Tree Care Supervision

## RESUMÉ

- Board Certified Master Arborist WE-0113B and Tree Risk Assessment Qualified with the International Society of Arboriculture; Registered Consulting Arborist #484 with The American Society of Consulting Arborists; Aesthetic Pruning Certificate from Merritt College, 1998; Certified Aesthetic Pruner with the Aesthetic Pruners Assoc., 2011.
- Retired 5/26/07 as a Full-time Landscape Horticulture Instructor, Merritt College, Oakland CA (1977-2007); taught courses in Arboriculture, Forestry, Plant Diseases, Turf Management, General Horticulture, Ecology, Plant Terminology and identification courses in Trees, Shrubs, CA Native Plants, Groundcovers & Vines and Herbaceous Plants. Past President of the Northern CA Turf & Landscape Council (NCTLC), and editor of their quarterly online newsletter. Serves on the N CA Advisory and Executive committees of the Mediterranean Garden Society.
- Member of the American Society of Consulting Arborists, the California Arborist's Association, Inc., the International Society of Arboriculture, the Aesthetic Pruners Association, the CA Horticultural Society, the CA Native Plant Society, and the Diablo Firesafe Council.
- Holds a Master's degree in Biology from San Jose State University and a Master's Degree in Education from Stanford University; has a Bachelor's degree in Biology from Stanford University. Received the 1985 Education Award from the Northern CA Turf and Landscape Council.
- Serves as a featured speaker for the East Bay Master Gardener Program, the International Society of Arboriculture, the NCTLC, the Diablo Firesafe Council, the Nevada Shade Tree Conference, the N CA Landscape Expo. and numerous garden clubs and civic groups. Has been an education chair for the I.S.A., an editor for the Ortho book *Gardening Techniques* and was a 1985 Horticultural Delegate to China. Her garden was photographed for two Sunset books and was one of those featured on the Park Day School tour in 1989. Her new garden has been described in the MGS Journal No. 57 in July 2009.











# Dryad, LLC

October 23, 2017

Gabriela Odell  
1591 Hillgrade Ave.  
Alamo CA 94507

RE.: Evaluation of trees relative to a tree permit appeal.  
Contra Costa County file no.: TP17-0033.  
Site: Gil Gibson, 1593 Hillgrade Ave., Alamo.

Ms. Odell;

I am writing in response to your request for a report of my recent inspection and evaluation<sup>1</sup> of three CA coast redwood trees (*Sequoia sempervirens*) proposed for removal.

The trees are located on the property adjacent (north) of yours, 1593 Hillgrade Ave. I met with you and inspected and photographed the trees on October 19, 2017. I performed a visual inspection, in your company and assisted by Katie Krebs, Certified Arborist<sup>2</sup>. Mr. Gil Gibson's son was also intermittently present and I also subsequently received a brief telephone call from Mr. Gibson.

I did not enter the property of 1593 Hillgrade Ave. and performed no advanced investigation processes. I also reviewed the site via historical images on Google earth®. I reviewed several arborist reports and other communications you provided. The reviewed documents included the following:

1. A letter-report from Brightview to Gil Gibson, subject: Consulting Arborist Report 50 1953 Hillgrade Ave.", signed by Bob Peralta and dated 10/12/2017.
2. Letter from Gabriela Odell to Mr. Farrington, Department of Conservation and Development, entitled "Appeal of tentative tree cutting permit, County File Number #TP17-0033", signed by Gabriela Odell and dated 10/02/2017.
3. Letter from Contra Costa County to Property Owner (Gil Gibson), entitled "Notice of Tentative Approval of a Tree Permit", signed by Ruben L. Hernandez and dated 09/21/2017.
4. Letter-report from Tim Hendricks, untitled, unsigned and undated (cites an inspection of 04/08/2017).
5. Letter from McKee Associates to Daniel Barrios, Planner, Contra Costa County, Subject: Landscape Plan, signed by Steven McKee, Project Architect and dated 08/29/2014.
6. Report from Waraner Tree Experts to Steven McKee, entitled "Tree Assessment at 1597 (sic) Hillgrade Ave., Alamo CA 94507", signed by Dustin Waraner and dated 01/27/2014.

Although I reviewed these documents, they did not contain information substantial to the formation of my opinions regarding either the history of the trees or their current condition and my recommendations for the subject trees.

**SUMMARY:** I do not have a history of these trees as to the extent of impacts from adjacent construction and grading activities (i.e., slope, construction, driveway, etc.) and I was able to perform only a visual inspection from adjacent properties. However, current signs of decline were obvious and consistent with my observations of the historical condition of the trees and site via Google earth® aerial images. I did not observe any conditions that appeared to be from insect infestation or disease. Therefore, it seems likely the trees, appearing dense and vigorous in historical aerial images, were impacted by grading activities (root loss, compaction, etc.) exacerbated by having occurred during a period of extended drought.

Based upon research, observation and described assumptions as well as my professional knowledge and experience, it is my opinion that these three CA coast redwood trees will likely recover from their current condition and can thrive for many years in this location (refer to images on pages 9-10). Supportive efforts and periodic management would enhance recovery.

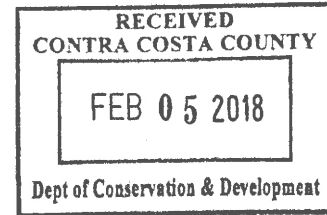
Dryad, LLC

35570 Palomares Rd.  
Castro Valley CA 94552

PHONE: (510) 538-6000  
FAX: (510) 538-6001  
E-MAIL: tyoung@dryadllc.com  
WEB SITE: www.dryadllc.com

original  
report submitted to  
Planning Commission

17065-10168



TP17-0033

**OBSERVATIONS/RECOMMENDATIONS:**

**Tree no. 1:**

**Observations:**

- Top dead for approximately 10-12 feet.
- 1 major limb dead at about 5-0% height (cause unknown).
- Dieback of branch tips throughout canopy<sup>3</sup>.
- Canopy volume thin.
- Trunk taper<sup>4</sup> good.
- Architecture<sup>5</sup> good.
- Foliage of good color and limbs sprouting profusely throughout canopy.

**Recommendations:**

1. Remove the dead top to viable tissue (preserve as much viable wood as possible but cut to 360° of live cambium<sup>6</sup>).
2. Remove the large dead limb and any other deadwood as necessary to avoid risk (only).
3. After 2-3 year of growth, perform structural pruning<sup>7</sup> of the top sprouts, preferably preserving only one top.
4. Follow recommendations for all trees (following).

**Tree no. 2:**

**Observations:**

- 4 codominant<sup>8</sup> stems, 3 at just above grade and one at approximately 15-20 above grade (w/acute-angle attachment and included bark<sup>9</sup>).
- Canopy volume extremely thin.
- Recently pruned, green branches litter the area beneath the tree.
- Recent pruning cuts were apparent on all trunks.
- 1 trunk to the north had the majority of its limb removed and punctures from gaffs (climbing spikes)<sup>10</sup> were apparent for the entire height of the trunk.
- Poor Trunk taper of all 4 trunks.
- Foliage of good color and limbs sprouting profusely throughout canopy.

**Recommendations:**

1. Install a box cable system<sup>11</sup> between consecutive trunks; consider installation of through-bolts in the high bifurcation some years in the future.
  - a. Avoid excessive cable tension.
  - b. Anchor with drop-forged through bolts or machine-threaded through-bolts with amon nuts, appropriately sized.
  - c. ¼" EHS (extra high strength) steel cable and all hardware must be intended for arboricultural use.
2. Follow recommendations for all trees (following).

**Tree no. 3:**

**Observations:**

- Canopy volume thin.
- Recently installed or rebuilt driveway within a few feet of the tree root flare; extent of root damage unknown.
- Trunk taper good.
- Architecture good.
- Codominant tops developing.
- Foliage of good color and limbs sprouting profusely throughout canopy.

**Recommendations:**

1. Remove smaller of the codominant tops while still small (long term management only).
2. Follow recommendations for all trees (following).

**RECOMMENDATIONS (ALL TREES):**

1. Mulch<sup>12</sup>: Cover exposed soil within at least the dripline areas of all three trees with an organic mulch (tree brush chips preferred) to a settled depth of no less than 3-4 inches. If retention is required, install jute netting on bare soil. Do not install landscape (weed-block) or geotextile fabric.
2. Irrigation: Irrigate as necessary, via slow-application (drip) irrigation, to near field capacity<sup>13</sup> to a depth of approximately 12-18". Repeat irrigation as needed to maintain soil moisture during extended periods of drought and/or heat.
3. Grading cut to northeast of trees 1 & 2: Cut encountered roots cleanly with hand pruners or power saw.
  - a. Avoid tearing, dislodging of bark (or epidermis) or otherwise disturbing that portion of the root(s) to remain.
  - b. Immediately back-fill with soil to cover, and moisten.
  - c. If backfilling cannot be completed immediately, cover exposed roots with several layers of untreated burlap (or other similar absorbent material) or sand, mulch or soil and keep moist until permanent backfilling can be completed.
4. Pruning<sup>14</sup>: Avoid removal of any live foliage or other tissue (wood, roots) now or in the future; remove only dead branches that present risk should they fall.



October 23, 2017  
Torrey Young, Dryad, LLC  
17065-10168 Odell, Gabriela  
Site: 1593 Hillgrade Ave., Alamo



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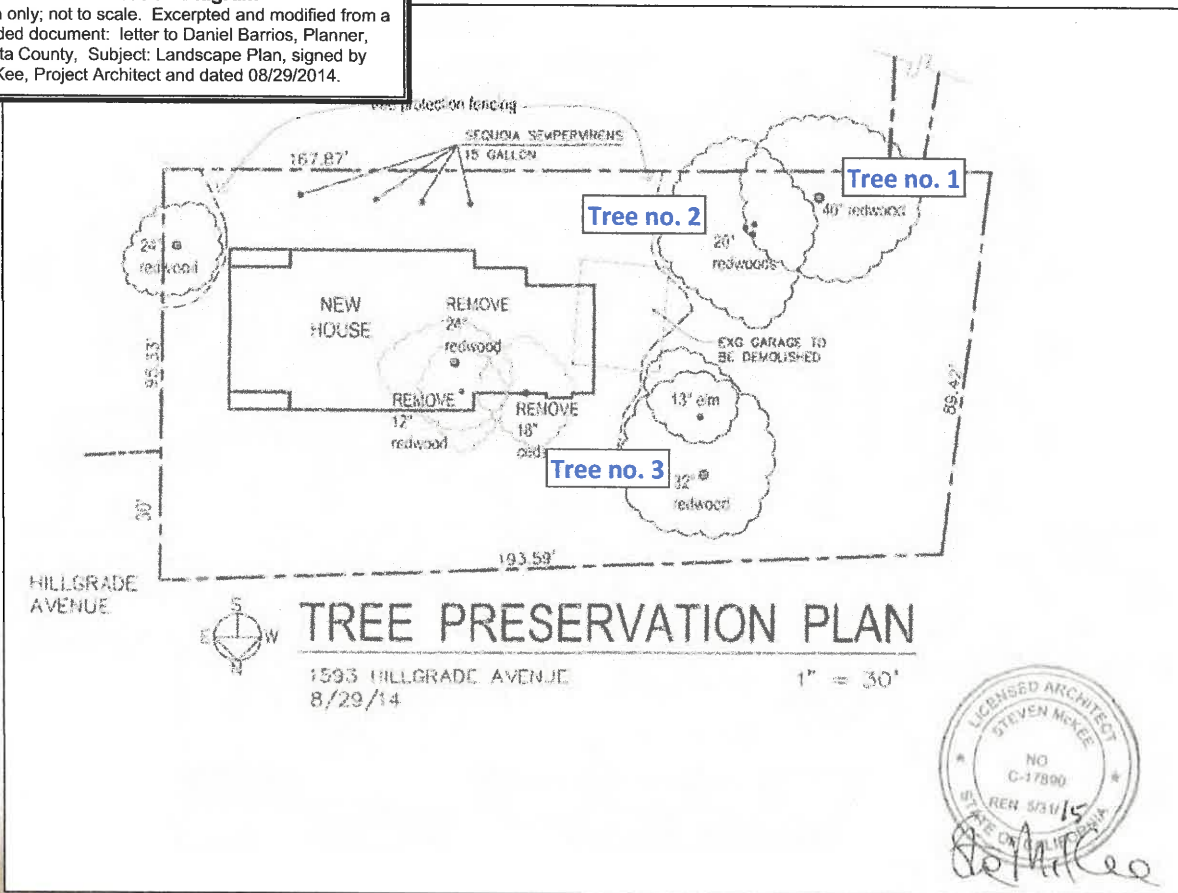
35570 Palomares Rd.  
Castro Valley CA 94552

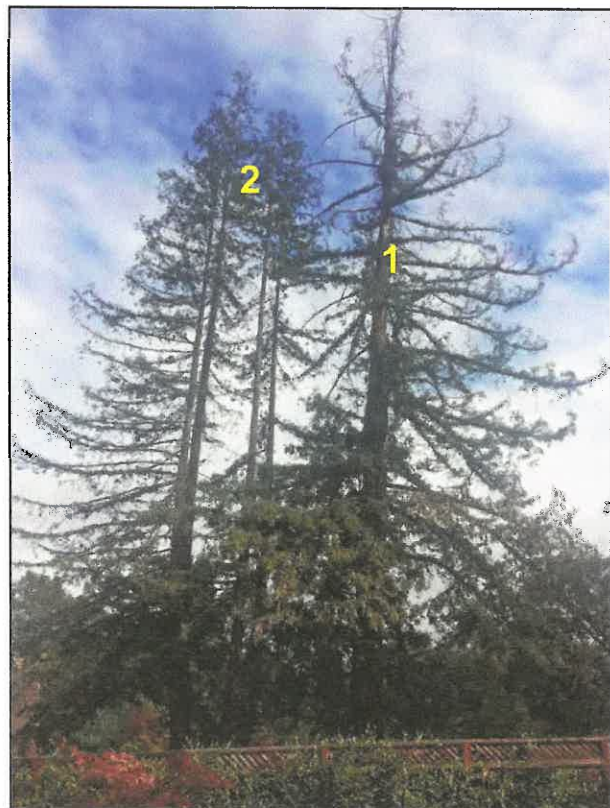
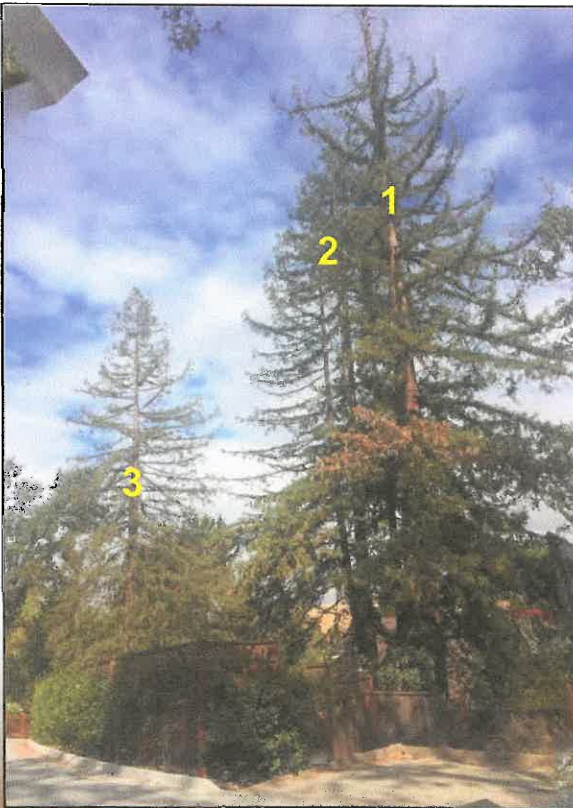
PHONE (510) 538-6000  
FAX (510) 538-6001  
E-MAIL tyoung@dryadllc.com  
WEB SITE www.dryadllc.com



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**Tree Location Diagram**  
 For location only; not to scale. Excerpted and modified from a client-provided document: letter to Daniel Barrios, Planner, Contra Costa County, Subject: Landscape Plan, signed by Steven McKee, Project Architect and dated 08/29/2014.



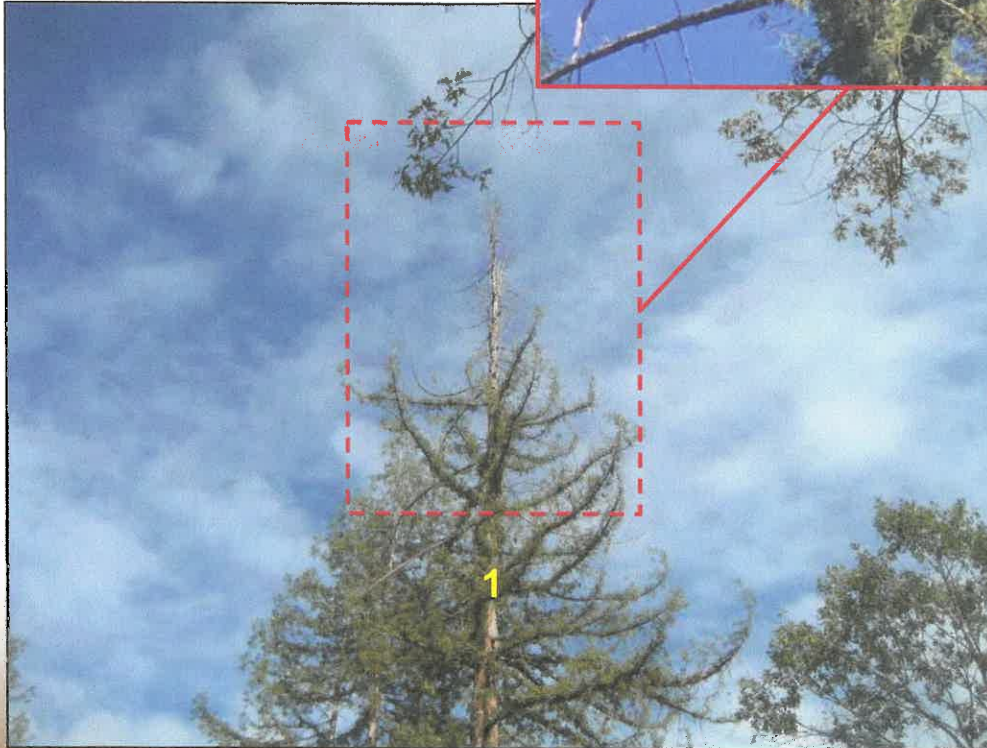
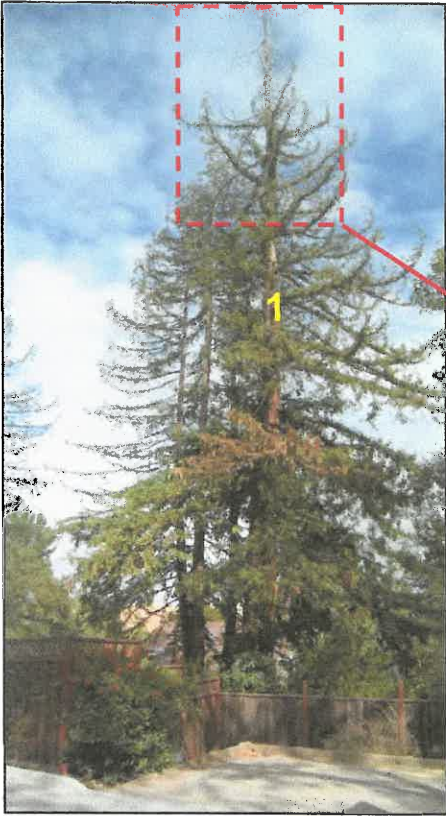


*Dryad, LLC*

35570 Palomares Rd.  
Castro Valley CA 94552

PHONE: (510) 538-6000  
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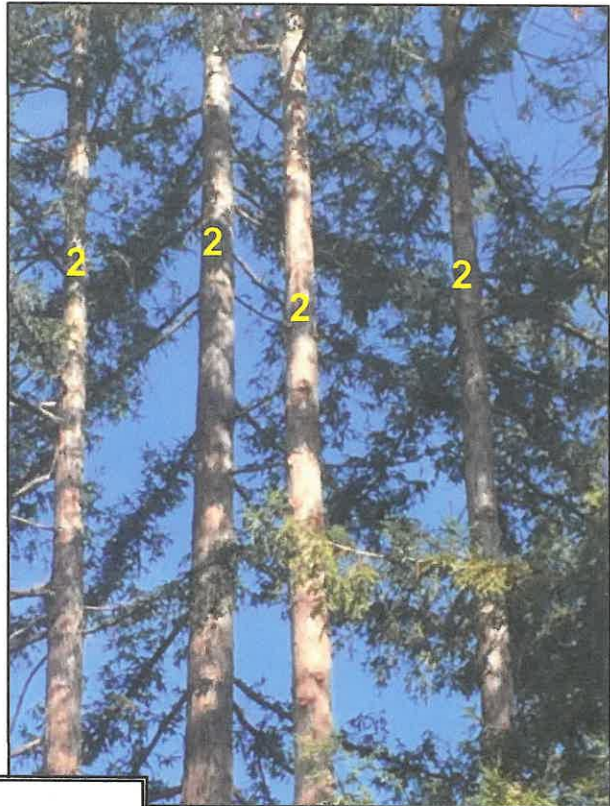
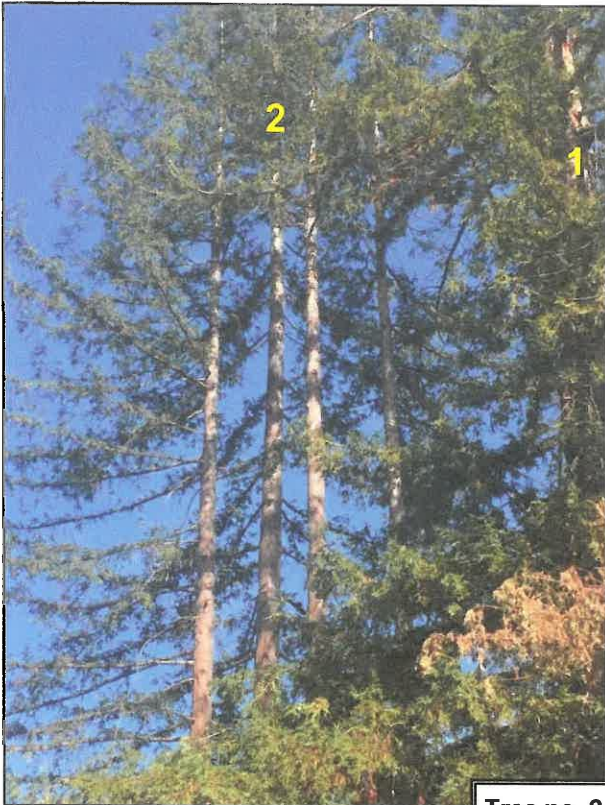


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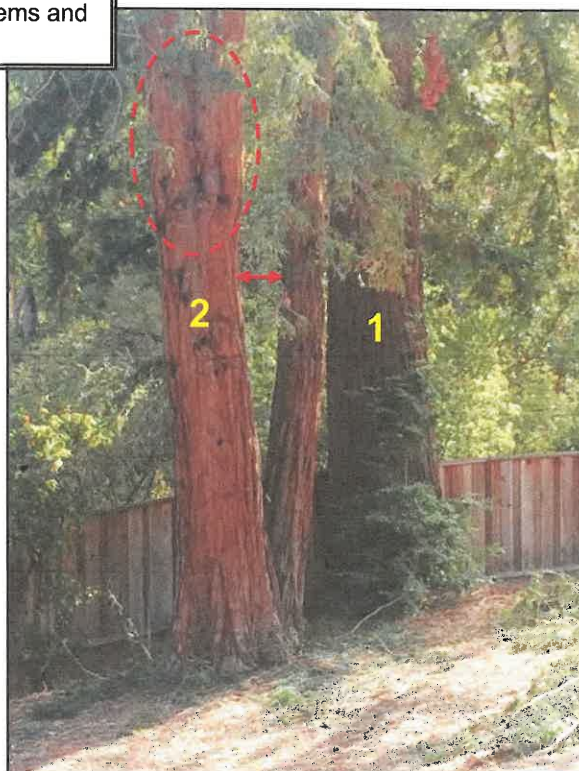
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Castro Valley CA 94552

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FAX: (510) 538-6001  
E-MAIL: [tyoung@dryadllc.com](mailto:tyoung@dryadllc.com)  
WEB SITE: [www.dryadllc.com](http://www.dryadllc.com)





**Tree no. 2:**  
codominant stems and  
attachments.

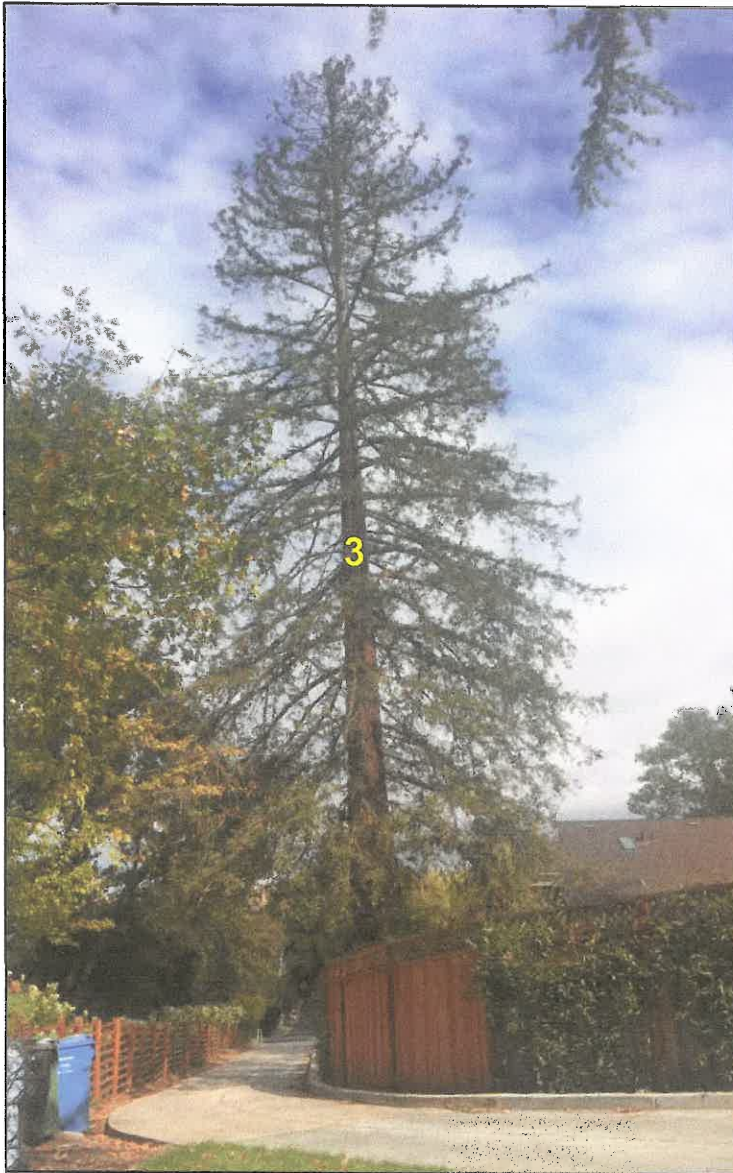


Dryad, LLC

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Castro Valley CA 94552

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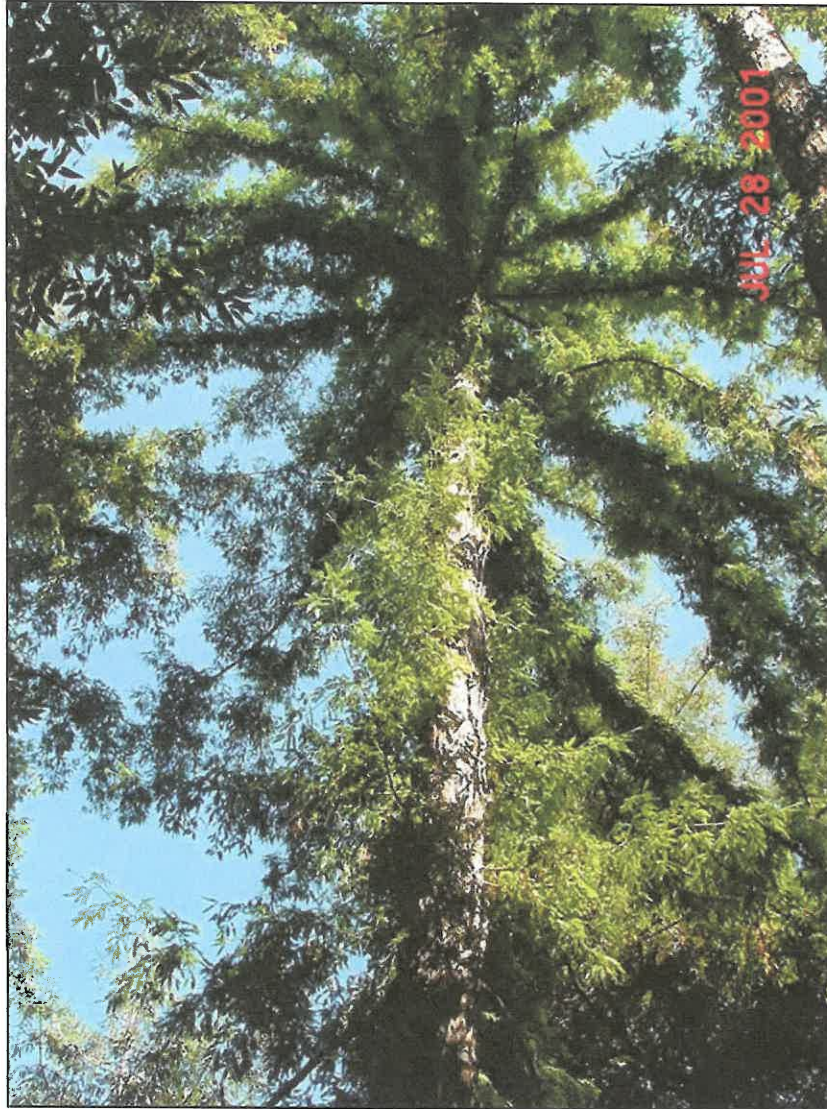




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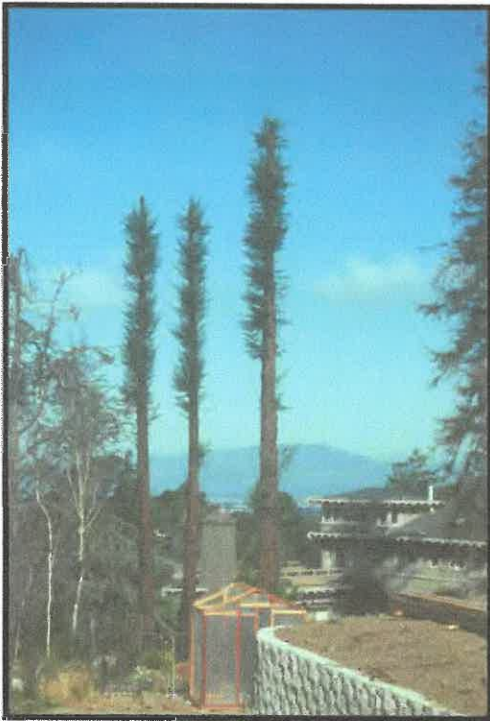
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Off-site example of redwood regeneration after excessive pruning for view clearance. Note sprouting along trunk and individual limbs.





**Figure 1:** Redwoods after pruning of limbs and tops destroyed by fire in 1991. Photo taken August, 1992.



**Figure 2** Same redwoods after natural regeneration and restorative pruning. Photo taken September, 2001.



**Figure 3:** Same redwoods after natural regeneration and restorative pruning. Photo taken September, 2001.

Off-site example of redwood regeneration after the Oakland Firestorm of 1991. These redwoods were completely devoid of foliage and all limbs and tops were destroyed by fire. The trunks remained alive and were left to sprout naturally. Structural pruning selected permanent tops and limbs.  
(Images provided by Joseph McNeil, Consulting Arborist).

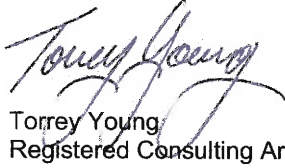
October 23, 2017  
Torrey Young, Dryad, LLC  
17065-10168 Odell, Gabriela  
Site: 1593 Hillgrade Ave., Alamo

Please feel free to contact me for further discussion or services.

Respectfully,

Torrey Young

Digitally signed by Torrey Young  
DN: cn=Torrey Young, o=Dryad, LLC,  
ou, email=torrey@dryad.us, c=US  
Date: 2017.10.23 19:15:30 -07'00'



Torrey Young  
Registered Consulting Arborist®



ASCA Registered Consulting Arborist, no. 282  
ISA Board Certified Master Arborist, no. WE-0131BM  
CUFC Certified Urban Forester, no. 121  
ISA Tree Risk Assessment Qualified  
CA P.C. Qualified License, no. 104772  
CA Contractors License no. 363372 (C-27 & D-49; inactive)



## ENDNOTES:

<sup>1</sup> Arborist Disclosure Statement: Arborists are tree specialists who use their education, knowledge training and experience to examine trees, recommend measures to enhance their health and beauty and to attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist or to seek additional advice. Trees and other plantlife are living, changing organisms affected by innumerable factors beyond our control. Trees fail in ways and because of conditions we do not fully understand. Arborists cannot detect or anticipate every condition or event that could possibly lead to the structural failure of a tree. Conditions are often hidden within the trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, for any specific period or when a tree or its parts may fail. Further, remedial treatments, as with any treatment or therapy, cannot be guaranteed. Treatment, pruning, bracing and removal of trees may involve considerations beyond the scope of the arborists skills and usual services such as the boundaries of properties, property ownership, site lines, neighbor disputes and agreements and other issues. Therefore, arborists cannot consider such issues unless complete and accurate information is disclosed in a timely fashion. Then, the arborist can be expected, reasonably, to rely upon the completeness and accuracy of the information provided. Trees can be managed but not controlled. To live near trees, regardless of their condition, is to accept some degree of risk. Tree removal is the only way to eliminate risk associated with trees.

<sup>2</sup> Katie J. Krebs, Consulting Arborist; ISA Certified Arborist #WE-8731A, ISA Tree Risk Assessment Qualified.

<sup>3</sup> Canopy: One of several accepted terms describing that area of a tree which includes limbs, branches, foliage, and to a lesser degree, upper stems (synonymous with 'foliage crown').

<sup>4</sup> Taper: (of stems & limbs) the increase in diameter towards the base of stems (trunks) and limbs that is typical and desirable in woody plants. Degree of taper is influenced by a variety of factors including foliage, limb and branch distribution, species, location (sunlight), wind patterns, pruning, etc. Insufficient taper results in a concentration of stress from movement towards the base of the limb or stem, resulting in a greatly increased potential for breakage or uprooting. Pruning that removes interior lateral branches from limbs and/or lower limbs from trunks dramatically reduces taper development.

<sup>5</sup> Architecture: (as employed in this report) the arrangement of the (external) parts of a tree; primarily refers to the foliage crown including major (scaffold) limbs, lateral branches and trunks.

<sup>6</sup> Cambium: A very thin layer of living cells (a meristem) between the sapwood (xylem) and the bark (phloem and cork cambium) of woody plants that provides for growth through cell division.

<sup>7</sup> Restoration pruning (crown restoration): A pruning standard referring to selective pruning cuts to improve the structure and appearance of trees that have been headed (i.e., topped, stubbed) or otherwise severely damaged or improperly pruned; several pruning events over a period of years may be required to achieve goals with minimal negative impact.

ANSI A300 Part 1 - Pruning (2017): restoration: Pruning to redevelop structure, form, and appearance of topped or damaged woody plants.

Dryad, LLC

35570 Palomares Rd.  
Castro Valley CA 94552

PHONE: (510) 538-6000  
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E-MAIL: [tyoung@dryadllc.com](mailto:tyoung@dryadllc.com)  
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<sup>8</sup> Codominant: Refers to branch, limbs or trunks of similar size and height or length competing for the same space and/or role within the tree's architecture; frequently originating at acute angles from each other, with bark remaining (included) between the components (in the crotch). Such attachments are inherently weak and worsen with time through the pressure of opposing growth and the increasing weight of wood and foliage, frequently resulting in the failure of one or both (all).

<sup>9</sup> Acute-angle attachments (crotches): Branch/limb, limb/trunk, or codominant trunks originating at acute angles from each other. Bark remains between such crotches, preventing the development of a branch-bark ridge (branch collar). The inherent weakness of such attachments increases with time, through the pressure of opposing growth and increasing weight of wood and foliage, frequently resulting in failure.

<sup>10</sup> Gaffs: (aka: spurs, spikes, hooks, climbers, irons, etc.) Sharp, pointed devices strapped to a climber's lower legs used to assist in climbing trees (ANSI A300 (Part 1)-2008, Section 4 Definitions, 4.10). "*Climbing spurs shall not be used when entering and climbing trees for the purpose of pruning or other tree maintenance, except in situations where other means are impractical, such as:*

- *Remote/rural utility rights-of-way;*
- *When branches are more than throw-line distance apart and there is no other means of climbing the tree;*
- *When the outer bark is thick enough to prevent damage to the inner bark or cambium; and,*
- *Emergency operations (see subclause 8.10). "*

American National Standards Institute, 2017. Standard Practices for Tree, Shrub and other Woody Plant Maintenance (Pruning), American National Standards Institute (ANSI A300 Part 1-2017), 8.2 Work Practices, 8.2 Work Practices, 8.2.2.2:

<sup>11</sup> Cabling & Bracing: The installation of hardware in and/or about trees for the purpose of providing supplemental support of weak, defective or otherwise suspect limbs and/or stems; supporting of newly planted trees; bracing cracks; propping trees or limbs, or otherwise providing support. The installation of cables, bolts and other hardware in trees is intended to reduce the potential for failure (breakage/uprooting). Such bracing does not permanently remedy structural weaknesses, and is not a guarantee against failure. The trees and hardware must be inspected periodically for hardware deterioration, adequacy and changes in the tree's and site condition.

Cabling & Bracing Standards: The most current revisions of *Best Management Practices, Tree Support Systems, Cabling, Bracing, Guying and Propping*, International Society of Arboriculture ; *Tree Care Operations Trees, Shrubs and Other Woody Plant Maintenance-Standard Practices (Supplemental Support Systems)*, American National Standards Institute [ANSI A300 (Part 3)].

<sup>12</sup> Mulch: Organic materials (e.g., brush chips, compost, processed wood chips, etc.) spread upon the soil for a variety of benefits: aesthetics, retains soil moisture, moderates soil temperatures, improves soil structure and increases fertility, protects against compaction, suppresses weeds, etc. Torrey Young, Dryad, LLC highly recommends fresh, brush chip mulch over processed materials. (Note: Elsewhere, the definition of *mulch* may include non-organic materials.)

<sup>13</sup> Field capacity: The maximum volume of moisture a soil can hold after drainage has occurred. An expression of the water-holding capacity and moisture status of soils.

<sup>14</sup> Pruning: Proper pruning is performed in a manner intended to achieve a specific goal while minimizing the negative effects on the plant (tree). Improper pruning is that which may not be coupled with a specific goal, may not employ techniques consistent with the identified goal, or may result in significant negative physiological and/or structural impacts on the plant.

Pruning standards: The most current revisions of the following standards, developed by a consensus of representatives from various industry professional organizations; American National Standards Institute, *Standard Practices for Tree, Shrub and other Woody Plant Maintenance (Pruning)*, American National Standards Institute (ANSI A300 Part 1) and International Society of Arboriculture, 2008 . *Best Management Practices, Tree Pruning*, International Society of Arboriculture.

