



Tuesday, May 15, 2025

5:30 P.M.

SPECIAL MEETING OF THE TREE COMMITTEE AGENDA

City of Marina City Council Chambers
211 Hillcrest Avenue, Marina, CA

PARTICIPATION

All meetings take place in the Council Chambers at 211 Hillcrest unless otherwise noticed. If you are unable to participate in real-time, you may email to planning@cityofmarina.org with the subject line "Public Comment Item #" (insert the item number relevant to your comment) or "Public Comment – Non-Agenda Item." Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. The Tree Committee will have the option to modify their action on items based on comments received.

Any person addressing the legislative body making impertinent, slanderous, or profane remarks, or who becomes boisterous while addressing the legislative body, shall be called to order by the Presiding Officer and, if such conduct continues, may at the discretion of the Presiding Officer be barred from further audience before the legislative during that meeting, unless permission to continue be granted by a majority of the body.

Any person in the audience who engages in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the Presiding Officer, shall be guilty of an infraction, and upon instructions from the Presiding Officer, it shall be the duty of the Sergeant at Arms or Peace Officer to remove any such person from the room and to place him under arrest or otherwise cause him to be prosecute under the law.

VISION STATEMENT

Marina will grow and mature from a small-town bedroom community to a small city, which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 - May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina's natural setting while developing the City in a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 - May 2, 2006)**

LAND ACKNOWLEDGEMENT

The City recognizes that it was founded and is built upon the traditional homelands and villages first inhabited by the Indigenous Peoples of this region - the Esselen and Ohlone/Costanoan, their ancestors, and allies - and honors these members of the community, both past and present.

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM:
Tree Committee Members: Chair - Jeffrey Markham, Vice Chair - Greg Simmons, Jackie Gardner, Joey Silva, and Richard St. John (PC Rep)
3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE:
(Please stand)
4. SPECIAL ANNOUNCEMENTS: *Announcements of special events or meetings of interest as information to the Committee and Public.*
5. COMMUNICATIONS FROM THE FLOOR: *At this time any person may comment on any item which is not on the agenda. Speakers may state their name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on the next agenda. Tree Committee members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of three (3) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the Tree Committee.*
6. EX PARTE COMMUNICATIONS FOR QUASI-JUDICIAL MATTERS
On quasi-judicial matters, the Tree Committee (TC) members shall verbally disclose off the record contacts relating to the item, after the item is called and before TC consideration of the matter. Disclosure shall include the identity of an individual(s) with whom the TC Member had contact, and the nature of the contact. Written ex parte communications must be forwarded to the staff so they can be provided to the entire TC and to the public.
7. CONSENT AGENDA
Background information has been provided to the Tree Committee on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the Tree Committee may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.

Approval of Minutes:
 - A. Tree Committee March 11, 2025, Special Meeting Minutes. Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061.
 - B. Tree Committee April 30, 2025, Special Meeting Minutes. Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061.
8. PUBLIC HEARINGS
Time will be set aside during the Public Hearing to receive oral comments on all items listed as Public Hearings. Staff will present the project brought forth for Planning Commission consideration and possible action and answer questions from the Planning Commissioners. The

applicant will then have the opportunity to raise any issues. The public will then be invited to approach the podium to provide up to three (3) minutes of public testimony.

A. Opportunity Areas 3.2 and 4.3 Tree Removal Permit – TR25-003

The Tree Committee will hold a public hearing and make a recommendation to the Planning Commission on the removal of approximately 52 trees required for removal that will be immediately impacted by grading and construction activities in Phase 3 of the Dunes Development located in Opportunity Areas 3.2 and 4.3. All healthy trees will be replaced at a 2:1 ratio. The project is subject to findings, conditions of approval, and a Class 4, Sec. 15304, CEQA exemption for Minor Alterations to Land. Planner: Guido Persicone, AICP, Community Development Director | 831-884-1289 | gpersicone@cityofmarina.org

B. Arts Village Tree Removal Permit - TR25-002

The Tree Committee to consider recommending that the Community Development Director approve the removal of one tree immediately impacted by demolition activities at the Arts Village site in Opportunity Site 2 within the Dunes Development (formally University Villages). Trees characterized as healthy will be replaced at 2:1 ratio. This project is exempt from Environmental Review per Section 15304 of the CEQA Guidelines. Planner: Nicholas McIlroy, AICP Senior Planner, 831-884-1217, nmcilroy@cityofmarina.org

9. ACTION ITEMS: Action listed for each Agenda item is that which is brought forth for Tree Committee consideration and possible action. The Tree Committee may, at its discretion, act on any item. The public is invited to provide up to three (3) minutes of public comment.

None

10. DISCUSSION ITEMS:

A. Tree Ordinance Comparison Review - Continued from March 11, 2025

The Tree Committee to review and give input on the Tree Ordinance Comparison table and corresponding staff report from the Tree Committee's Subcommittee and Planning Staff. Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061. Planner: Nicholas McIlroy, AICP Senior Planner, 831-884-1217, nmcilroy@cityofmarina.org

11. CORRESPONDENCE: None

12. ADJOURNMENT

CERTIFICATION:

I, _____ Shane Doughty, Planning Intern for the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at Marina City Council Chambers bulletin board, 211 Hillcrest Avenue; City Kiosk at the corner of Reservation Road and Del Monte Boulevard, and the Marina Branch Library, 190 Seaside Circle, on or before 5:00 pm. on March 7, 2025.

TREE COMMITTEE NOTES:

1. The Marina Tree Committee regularly meets at 5:30 P.M. on the second Wednesday quarterly in January, April, July, and October.
2. The Tree Committee follows procedures intended to allow for project applicants and members of the public the fullest possible opportunity to be heard, while enabling the Committee to complete its meetings within a reasonable time.
3. Copies of staff reports are available to the public on Friday afternoon, prior to the Wednesday meetings at the Community Development Department office located at 209 Cypress Avenue, Marina.
4. The public is invited and encouraged to participate in all meetings of the Tree Committee.

are wheelchair accessible. Recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1220 or e-mail: planning@cityofmarina.org. Requests must be made at least **48 hours** in advance of the meeting.

Tuesday, March 11, 2025

5:30 P.M.

DRAFT SPECIAL MEETING OF THE TREE COMMITTEE MINUTES

1. CALL TO ORDER: 5:32 PM
2. ROLL CALL & ESTABLISHMENT OF QUORUM:
Present: Gardner, Markham, Silva, St. John
Absent: Greg Simmons
3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE:
4. CHAIR AND VICE CHAIR

- A. Tree Committee members nominate a Chair and a Vice Chair and may take a roll call vote approving each nomination.

Gardner made a motion (2nd: St. John) to nominate Jeffrey Markam as Chair.

The motion was put to a vote:

Ayes: St. John, Gardner, Silva, Markham

Noes: None

Absent: Simmons

The motion passes (4-0-1).

Markam made a motion (2nd: Silva) to nominate Greg Simmons as Vice Chair.

The motion was put to a vote:

Ayes: St. John, Gardner, Silva, Markham

Noes: None

Absent: Simmons

The motion passes (4-0-1).

5. SPECIAL ANNOUNCEMENTS:

Alyson Hunter, Planning Manager gave a brief update that the field trip on March 12, 2025, is cancelled due to weather.

Tree Committee Member Jackie Gardner announced that Earth Day will be celebrated in Marina on April 12, 2025.

6. COMMUNICATIONS FROM THE FLOOR: *None*

7. EX PARTE COMMUNICATIONS FOR QUASI-JUDICIAL MATTERS: *None*

8. CONSENT AGENDA

Approval of Minutes:

- A. Tree Committee May 6, 2024, Special Meeting Minutes. Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061.
- B. Tree Committee November 13, 2024, Special Meeting Minutes. Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061.

Markham made a motion (2nd: Gardner) to approve the minutes from May 6, 2024, and November 13, 2024.

The motion was put to a vote:

Ayes: St. John, Gardner, Silva, Markham

Noes: None

Absent: Simmons

The motion passes (4-0-1).

9. PUBLIC HEARINGS

A. 219-21 Hillcrest Ave Tree Removal Permit - TR25-0001

Markam made a motion (2nd Gardner) to adopt Resolution TC 2025-01 recommending that the Community Development Director approve the removal of seven trees immediately impacted by grading and construction activities for a proposed fifteen (15) unit housing project. Trees characterized as healthy will be replaced at 2:1 ratio for a total of eight (8) replacement trees and find that this project is exempt from environmental review per section 15304 of the CEQA Guidelines. The Tree Committee amended Condition of Approval #4 to state that a Cypress tree is preferred and added Condition of Approval #6 that requires a 5-year monitoring plan for the replacement trees to be incorporated into the project.

The motion was put to a vote:

Ayes: St. John, Gardner, Silva, Markham

Noes: None

Absent: Simmons

The motion passes (4-0-1).

10. ACTION ITEMS: *None*

11. INFORMATIONAL ITEMS:

A. Sea Haven Replacement Trees

The Tree Committee received an informational report from staff regarding a staff level permit to remove five Monterey Pine Trees along Abrams Drive and replacing them with Australian Willow Trees. Staff received three public comments, including two emails, and comments from the Tree Committee.

12. OTHER ITEMS:

13. DISCUSSION ITEMS: Tree Ordinance Comparison Review

Markum made a motion (2nd: Gardner) to continue this item to the next meeting.

The motion was put to a vote:

Ayes: St. John, Gardner, Silva, Markham

Noes: None

Absent: Simmons

The motion passes (4-0-1).

14. CORRESPONDENCE: None

15. ADJOURNMENT: 6:24 PM

DRAFT MINUTES

Thursday, April 30, 2025

5:20 P.M.

**SPECIAL MEETING
TREE COMMITTEE**

1. WALK ACROSS TO 1ST AND DIVARTY & CALL TO ORDER: 5:32 PM
2. ROLL CALL & ESTABLISHMENT OF QUORUM:
Tree Committee Members: Chair - Jeffrey Markham, Vice Chair - Greg Simmons, Jackie Gardner, Joey Silva, and Richard St. John (PC Rep)
3. OTHER ITEMS:
 - A. The Tree Committee and members of the public visited the Dunes' (Previously University Villages) Opportunity Site No. 3.2 for a site visit and received an informational presentation from the applicant Marina Community Partners.
4. ADJOURNMENT: 6:42 PM

Chair and Members
of the Marina Tree Committee

Tree Committee Meeting
of May 15 2025

A CONTINUED PUBLIC HEARING TO REMOVE APPROXIMATELY FIFTY-TWO TREES WITHIN PHASE 3 OF THE DUNES DEVELOPMENT AND SPECIFICALLY OPPORTUNITY AREAS (3.2, 4.3, 4.2) LOCATED AT THE NORTHWEST CORNER OF FIRST AVENUE AND DIVARTY STREET; AND FIND THE ACTION WAS ADEQUATELY ADDRESSED IN EIR NO. 2004091167, CERTIFIED FOR THE UNIVERSITY VILLAGES SPECIFIC PLAN.

RECOMMENDATION:

1. Open the public hearing continued from April 30, 2025 and take any testimony from the public; and
2. Adopt a resolution 2025-XX (**Exhibit A**) recommending that the Planning Commission approve the Tree Permit, based on the findings, conditions of approval, and CEQA determination provided.

BACKGROUND

On March 7, 2025, an application was filed to remove trees within Phase 3 of the Dunes Development. The trees in question are located along the outer boundary of Opportunity Area 3.2 of the Dunes Development with a few in Opportunity Areas 4.2 and 4.3. The total number of trees being proposed for removal is fifty-two (52) identified with an X as shown in Exhibit 1 below.



Exhibit 1-Aerial Summary of Tree Removal Permit

On April 30, 2025 a visit occurred on the property identified as Opportunity Area 3.2 generally located at the northwest corner of First Avenue and Divarty Street with the Tree Committee. The focus of the site visit was to educate the committee on Opportunity Area 3.2 as well as to be briefed by the applicant, Marina Community Partners (MCP) on how the tree removal permit aligns with the

overall grading plan for Phase 3 of the Dunes Development. The Committee received public testimony and considered the merits of the project. At the conclusion of the site visit the item was continued to the May 15, 2025, Tree Committee meeting.

SITE PLAN

Currently, Opportunity Area 3.2 is being proposed for commercial development. The public testimony received on April 30, 2025 from the engineer of record (Andy Hunter) and the project arborist (Patrick Krabacher) indicated that the additional five feet of fill to be added to the site makes the fifty-two trees surviving on the property unlikely.

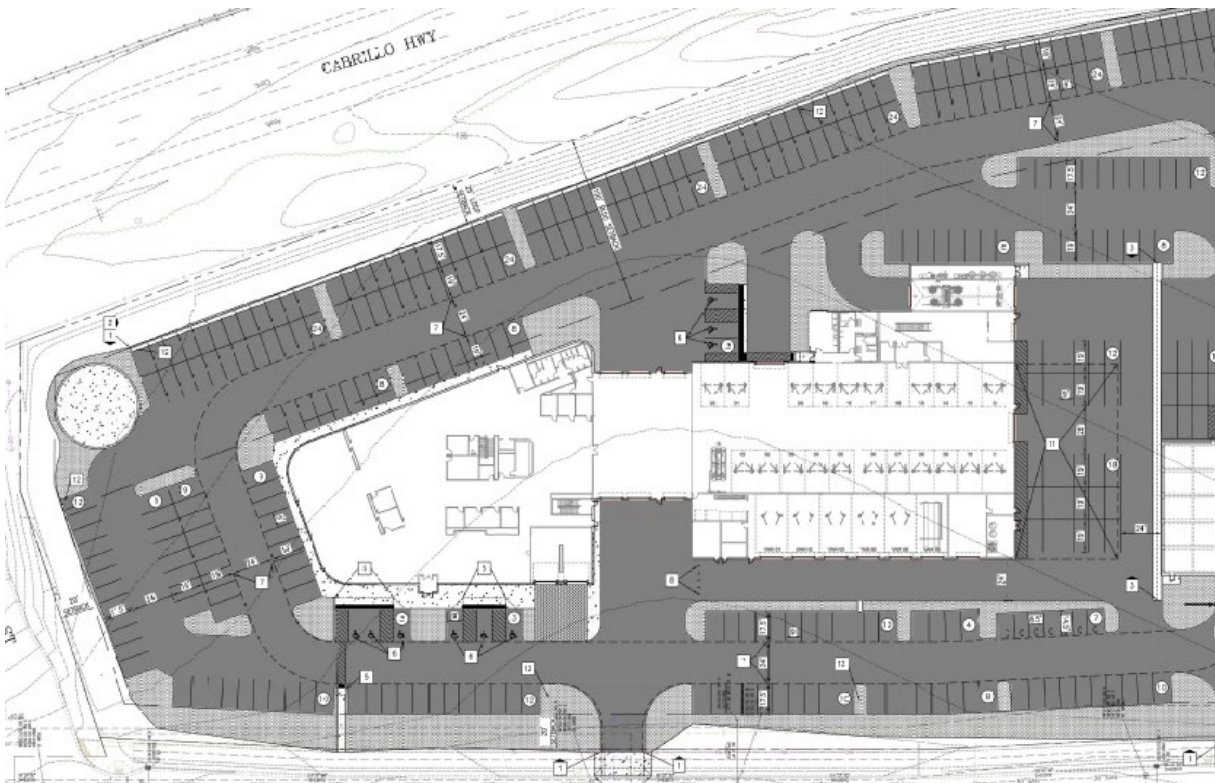


Exhibit 1-Draft Site Plan

REGULATORY FRAMEWORK

City of Marina Municipal Code

City of Marina Municipal Code (MMC) Section 17.62.030 requires a tree removal permit to remove, damage, or relocate, or cause to be removed, damaged, or relocated, any tree on any property within City limits, unless exempted by MMC Sections 17.62.040 or 17.62.050. MMC Section 17.62.030 also prohibits construction activities within the dripline of any tree, unless these activities are conducted in compliance with tree protection guidelines adopted by resolution of the planning commission.

MMC defines “tree” as any living woody perennial plant having a single stem of six (6) inches or more diameter at breast height (DBH; measured at 4.5 feet above ground) or a multi-stemmed plant having an aggregate diameter of ten inches or more measured at DBH, and any living woody perennial plant which was planted in accordance with requirements of an approved compensation plan or was planted as part of a landscaping plan approved by the City. MMC defines “Dripline” as the greater of the outermost edge of the tree’s canopy, or fifteen times DBH measured from the center point of the tree.

University Village Specific Plan UVSP Tree Standards

UVSP Tree Standards call for the preservation of as many healthy Monterey cypress trees and oak trees as practicable. In accordance with the UVSP Tree Standards, Monterey cypress trees and oak trees that are in good or fair condition must be protected during construction and preserved wherever practicable. If relocation is possible, Monterey cypress and oak trees shall be removed by machinery, be immediately replanted at a new site, and be watered and fertilized. Existing healthy trees determined to be in good or fair condition that are removed shall be replaced on-site at a ratio of two (2) replacement trees for every one (1) removed (2:1). UVSP classifies tree health based on the following definitions:

- *Good*. Tree is healthy and vigorous as indicated by color of foliage and density, has no apparent signs of insect, disease, structural defects or mechanical injury. Tree has good form and structure.
- *Fair*. Tree is in average condition and vigor for the area, but may show minor insect, disease, or physiological problems. Trees rated as fair may be improved with correctional pruning.
- *Poor*. Tree that is in a general state of decline and may show severe structural or mechanical defects which may lead to failure, may have insect or disease damage, but is not dead.
- *Dead/Snag*. Dead standing tree.

Tree Removal Details

1. A total of 116 trees were identified within and adjacent to the boundaries of The Dunes on Monterey Bay Project, Phase 3.
2. 64 trees are located outside the project's construction footprint and will be avoided and protected in place, as necessary, during construction.
3. 52 trees would require removal.
4. Four (4) of the 52 trees are dead, and 48 are living;
5. However, only 32 living trees are in healthy (good or fair) condition.
6. A tree removal permit from the City is required to remove the 48 living trees, and tree replacement at a 2:1 ratio is required for removal of the 32 healthy trees.
Therefore, the developer will replace the removal of up to 32 healthy trees with up to 64 replacement plantings.

Tree Removal Numbers

Tree Identified within Phase 3	116
Trees Outside of the Construction Footprint	64 (52 remaining)
Dead Trees	52-4=48 remaining
Healthy Trees	32 of 48 are healthy and require replacement
City of Marina's Tree Replacement Ration (2:1)	32X2=64 Trees To Be Replanted

GENERAL PLAN CONSISTENCY

General Plan Policy 2.74-Industrial and Commercial Services 2.74-Approximately 290 acres of land are reserved for industrial and commercial uses. Each of the designated areas has a distinctive role based on its respective locational characteristics. The intent is to accommodate a broad range of industrial and commercial-service activities within the City, thereby enhancing local opportunities for employment and economic development and providing for the service needs of other uses within the City.

By removing trees from the Opportunity Area 3.2 and allowing commercial development on the property, General Plan Policy 2.74 will be implemented by the approval of this tree removal permit.

General Plan Policy 2.4.3-Local-Serving Retail and Personal Services 2.43 At present, a major portion of Marina's population purchases everyday items such as food, drugs, and other sundries outside the City. The result is both a loss of sales tax revenue in support of City services and the generation of a greater number of vehicular trips by residents. In general, City of Marina General Plan 2. Community Land Use Element 53 vehicular trips would be decreased both in length and number if everyday goods and services were more available locally.

By removing trees from Opportunity Area 3.2 and making the property a viable commercial development, the tree removal permit will be implementing General Plan Policy 2.4.3.

PROJECT UPDATE:

After the conclusion of the April 30, 2025, meeting. Vice Chair Greg Simmons inquired if tree 743 could be saved. After speaking with the engineer of record (Andy Hunter) and the project arborist (Patrick Krabacher) it does not seem viable to save this tree. There will be seven feet of fill installed where the tree sits, and the tree would likely not survive the grading operations as the root zone would be too damaged. During production of the staff report, the Vice Chair also inquired if trees #712, #741, #752 could be saved (see Attachment 8). This will have to be discussed by the Tree Committee at the May 15, 2025 meeting

CONFLICT OF INTEREST

Committee members are subject to all aspects of the Political Reform Act. Tree Committee members must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest. Staff is not aware that any Committee member owns property within 500 feet of either project site.

ENVIRONMENTAL REVIEW:

The City of Marina Planning Division has determined that this project will not result in new significant environmental impacts or effects or a substantial increase in the severity of significant effects previously identified in EIR No. 2004091167 which was certified for the University Villages Specific Plan.

CONCLUSION:

This request is submitted for Tree Committee consideration and a recommendation for approval.

Submitted by:

Guido F. Persicone, AICP
Community Development Director
City of Marina

Attachments

- 1- Tree Committee Resolution 2025-
- 2- Conditions of Approval
- 3-Tree Permit Findings
- 4-Arborist Report
- 5-Figure 2A Tree Survey Results-under separate cover
- 6-Draft Site Plan-under separate cover
- 7-Dunes Tree Planting Summary-under separate cover
- 8-Comments from Vice Chair Simmons-under separate cover

Attachment 1-Resolution

DRAFT TREE COMMITTEE RESOLUTION NO. 2025-

TREE COMMITTEE RESOLUTION RECOMMENDING THAT THE PLANNING COMMISSION APPROVE THE REMOVAL OF APPROXIMATELY FIFTY-TWO TREES WITHIN PHASE 3 OF THE DUNES DEVELOPMENT AND SPECIFICALLY OPPORTUNITY AREAS (3.2, 4.2, 4.3) LOCATED AT THE NORTHWEST CORNER OF FIRST AVENUE AND DIVARTY STREET AND FIND THE ACTION WAS ADEQUATELY ADDRESSED IN EIR NO. 2004091167, CERTIFIED FOR THE UNIVERSITY VILLAGES SPECIFIC PLAN.

WHEREAS, on April 30, 2025, at a duly noticed public hearing held on the property located at the northwest corner of First Avenue and Divarty Street, the Tree Committee considered a tree removal permit request to remove fifty-two trees within Phase 3 of the Dunes Development and specifically within opportunity areas (3.2, 4.2 and 4.3); and

WHEREAS, at the conclusion of the April 30, 2025 meeting the item was continued for further review to the May 15, 2025 Tree Committee meeting; and

WHEREAS, tree removal is necessary to accommodate the completion of the Dunes Development Project (formerly the University Village Specific Plan); and

WHEREAS, by removing trees from the site and making it a viable commercial property, the tree removal permit will be implementing the 2000 General Plan via policies 2.74 and 2.4.3; and

WHEREAS, removal of trees is subject to a tree removal permit and requires review by the Tree Committee for a recommendation to the Planning Commission for final action per Marina Municipal Code (MMC) Sec. 17.62.060.B; and

WHEREAS, applicant shall replace all qualifying trees at a 2:1 ratio per Marina Municipal Code (MMC 17.62.060.D.2) based upon the combined DBH of the replacement trees equal to the combined DBH of the healthy trees to be removed; and

WHEREAS, the City of Marina is a lead agency under the California Environmental Quality Act (CEQA) and has determined that project will not result in new significant environmental impacts or effects or a substantial increase in the severity of significant effects previously identified in EIR No. 2004091167 which was certified for the University Villages Specific Plan.

NOW THEREFORE BE IT RESOLVED that the Tree Committee, based on findings, conditions of approval, and the CEQA determination referenced hereto, does hereby:

- 1- Incorporate by reference the recitals listed above.
- 2- Recommend that the Planning Commission approve the removal of fifty-two (52) trees subject to Chapter 17.62 of the Marina Municipal Code.

- 3- Recommend that the applicant (Marina Community Partners) replant replacement trees at a 2:1 ratio for every healthy tree that is removed.
- 4- Recommend that the applicant be required to comply with the conditions of approval and the recommendation from the arborist report submitted by Denise Duffy and Associates on April 18, 2025 incorporated by reference into this resolution.

PASSED AND ADOPTED by the Tree Committee of the City of Marina at a duly noticed special on the 15th day of May, 2025, by the following vote:

AYES, MEMBERS:

NOES, MEMBERS:

ABSENT, MEMBERS:

ABSTAIN, MEMBERS:

Greg Simmons, Chair

ATTEST:

Nicholas McIlroy
Senior Planner
City of Marina

Attachment 2 – Conditions of Approval

- 1. Arborist Report.** Removal of trees shall be done in accordance with the arborist report submitted to the City of Marina by Denise Duffy and Associates dated April 18, 2025.
- 2. Special Surveys.** Prior to the removal of large trees, a qualified biologist shall survey the trees for presence of roosting bats. If special-status bat species are present, the following measures shall be implemented:
 - a. Tree removal should not occur if maternity bat roosts are present (between April 15 and August 1) in the trees to be removed.
 - b. No tree removal should occur within 300 feet of the maternity roost until all young bats have fledged, as determined by a qualified biologist.
 - c. If special-status bats are present but there is not an active maternity roost, a Memorandum of Understanding (MOU) with the California Department of Fish and Wildlife (CDFW) should be obtained in order to remove the animals prior to tree removal. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics should be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFW that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that mitigates for loss of bat roosting habitat should be prepared by a qualified biologist and approved by CDFW prior to tree removal.
- 3. Display of Tree Removal Permit.** Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on site. If no tree removal permit is displayed, the City will issue a stop work order and commence the City's administrative fine process.
- 4. Replacement Trees.** Upon completion of the commercial development at Opportunity Area 3.2 (OP 3.2) existing trees in good or fair condition which are removed shall be replaced on site at a ratio of two replacement trees for each tree removed (2:1) which is at least sixty-four (64) trees within Opportunity Area OP 3.2. If said replacement trees will not be planted at Opportunity Area 3.2 the applicant (Marina Community Partners) shall submit a written plan for planting replacement trees within another property within the Dunes Development for approval by the Community Development Director.
- 5. Replacement Planting.** DD&A recommends the replacement plantings be fifteen-gallon trees in locations with the greatest openings to minimize competition and maximum sunlight. (If fifteen-gallon sizes are unavailable, smaller sizes may be substituted.) The spacing between trees shall be at least eight (8) feet. Watering for establishment within the first two (2) months shall be at least once (1) per week, then every two (2) weeks during the late spring, summer, and fall for two (2) years.
- 6. Site Restoration Plan.** The ground surface shall be restored in the vicinity of the tree removals. Restoration shall include but not be limited to the removal of tree stumps and filling of any holes left by the removal.
- 7. New Trees.** Tree starts that are less than six inches in diameter and that grow larger than six inches in diameter prior to the grading of the site must be replaced at 2:1 ratio, subject to the approval of the Community Development Director.

Attachment 3 - Tree Removal Permit Findings

MMC 17.62.060.C. *Required Findings for Approval of Tree Removal Permit.* The finding is in standard font with Staff's response following in *italics*.

1. The tree is in poor condition and is in danger of falling within proximity to existing structures, high pedestrian traffic areas such as parking lots, playgrounds and pedestrian walkways, or interference with utility services that cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices; or

A qualified arborist assessed the 52 trees proposed for removal and found the majority to be in fair condition. When final grading plans are prepared, it may be possible to retain trees that are not needed for construction. In this event, these trees will be retained and protected. [Note that the Tree Committee is not required to make this finding because the Committee can instead make findings 5-8; see MCC § 17.62.060C.]

2. The tree is host to a plant, or insect, or other parasitic organism which endangers other adjacent healthy trees; or

A qualified arborist assessed the 52 trees proposed for removal and found the majority to be in fair condition. [Note that the Tree Committee is not required to make this finding because the Committee can instead make findings 5-8; see MCC § 17.62.060C.]

3. The location of more than three (3) trees conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs; or

Infrastructure improvements and the development of Opportunity Area 3.2 with an additional five feet of fill for a commercial development conflict with the existing proposed improvement for the health of the trees on the site. The location of multiple trees proposed for removal would interfere with these improvements, as documented on the Site Plan and in the Arborist Report.

4. The number of trees on the site is in excess of the number of healthy trees the site is able to support, based on such considerations as tree species, growth characteristics, general health of the stand, tree age, solar orientation and soil condition; or

A qualified arborist assessed the health of individual trees within the project area but did not offer an opinion on the number of healthy trees the site is able to support. [Note that the Tree Committee is not required to make this finding because the Committee can instead make findings 5-8; see MCC § 17.62.060C.]

5. The applicant outlines other clearly documented and compelling reasons for the removal or relocation of a tree which do not include the elimination of falling leaves or shade, or improving a view; and

All fifty-two trees proposed for removal, including the four trees that are in fair or good condition and the three that are in poor health, directly impede the grading and construction of the site for commercial development.

6. The tree does not serve as part of a windbreak system, or assist in drainage or in the avoidance of soil erosion, or serve as a component of a wildlife habitat, or otherwise play a prominent role in maintaining the existing urban forest; and

Most of the trees proposed for removal were found by an arborist to be in fair condition. The trees do not serve as part of a windbreak system. Mitigation measures described in the Arborist Report and in the Conditions of Approval above will reduce impacts of tree removal related to drainage, soil erosion, and wildlife habitat. Trees will be replaced at a 2:1 ratio ensuring preservation of the City's urban forest.

7. Due to the tree's contribution to the aesthetic beauty of the area, the removal would not have a substantial detrimental effect on neighboring property values; and

Although aesthetic judgements are subjective, the City has established a process for designating aesthetically significant trees as landmark trees (MMC Section 17.62.070). None of the trees proposed for removal have been designated as a landmark tree. Because the trees are generally in fair condition, located within an existing transportation corridor or on vacated land within the former Fort Ord, and located more than 200 feet away from commercial and residential properties, removal of the trees is unlikely to have a substantial detrimental effect on neighboring property values.

8. If the removal request is concurrent with development plans for the property and the development plans indicate that it is necessary to remove or relocate the tree to enable reasonable and conforming use of the property which is otherwise prevented by the location of the tree.

The applicant made an effort to protect as many trees within the project area as possible, reducing the number of trees proposed for removal by from 63 to 52. To accommodate the required infrastructure, 52 trees must be removed. The trees will be replaced at a 2:1 ratio or an in-lieu fee provided consistent with the requirements of MMC Section 17.62.060.

Attachment 4

Arborist Report (Denise Duffy & Assoc., April 18, 2025)

https://www.cityofmarina.org/AgendaCenter/ViewFile/Agenda/_04302025-619

Attachment 5

Figure 2A Tree Survey Results - Under Separate Cover

Attachment 6

Draft Site Plan - Under Separate Cover

Attachment 7

Dunes Tree Planting Summary - Under Separate Cover

Attachment 8

Comments from Vice Chair Simmons - Under Separate Cover



Tree Survey Results
Dunes Parcels OP 3.1 & 3.2, OP 4.2 & 4.3, & City Parcel L5.5.1

Date
4/18/2025
Scale
1 in = 208 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
2a



March 25, 2025

Guido Persicone
Community Development Director
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Subject: **Dunes Tree Planting Summary**

Dear Guido:

This letter is in response to Shea's request to provide an approximate summary of existing trees saved and tree saplings re-established throughout the Dunes development for the Phase 1A through 1C, Phase 2 North, Phase 2 East, Phase 2 West, Phase 3 and OP-3 and OP-4 Opportunity Sites.

In addition, we have also estimated the number of "new" trees that have been proposed on plan throughout the development in the table list below. New trees planted within private and model 'backyard' trees that have been installed or anticipated to be installed by homeowners have not been included in the estimated tree counts.

PHASED AREAS	TREES PLANTED/ PROPOSED	EXISTING TREES TRANSPLANTED	EXISTING TREES RETAINED	REQUIRED TREE MITIGATION
*PHASE 1		5	70	340 (2:1 ratio)
1A	+/- 800			
1B	280			
1C	814			
PHASE 2 NORTH	-	-	-	TBD
PHASE 2 EAST (BMR Site 1)	747 142	- -	23 -	376 26
PHASE 2 WEST	310	32	8	62
PHASE 3: (BMR Site 2)	900 92	24 -	113 -	640 -
OP-3.1 Parcel	-	-	-	-
3.2 Parcel	+/- 65	-	44	60
OP-4.1 Parcel	-	-	-	TBD
4.2 Parcel	-	-	-	-
SUB-TOTALS:	+/- 4,150	61	258	1,504

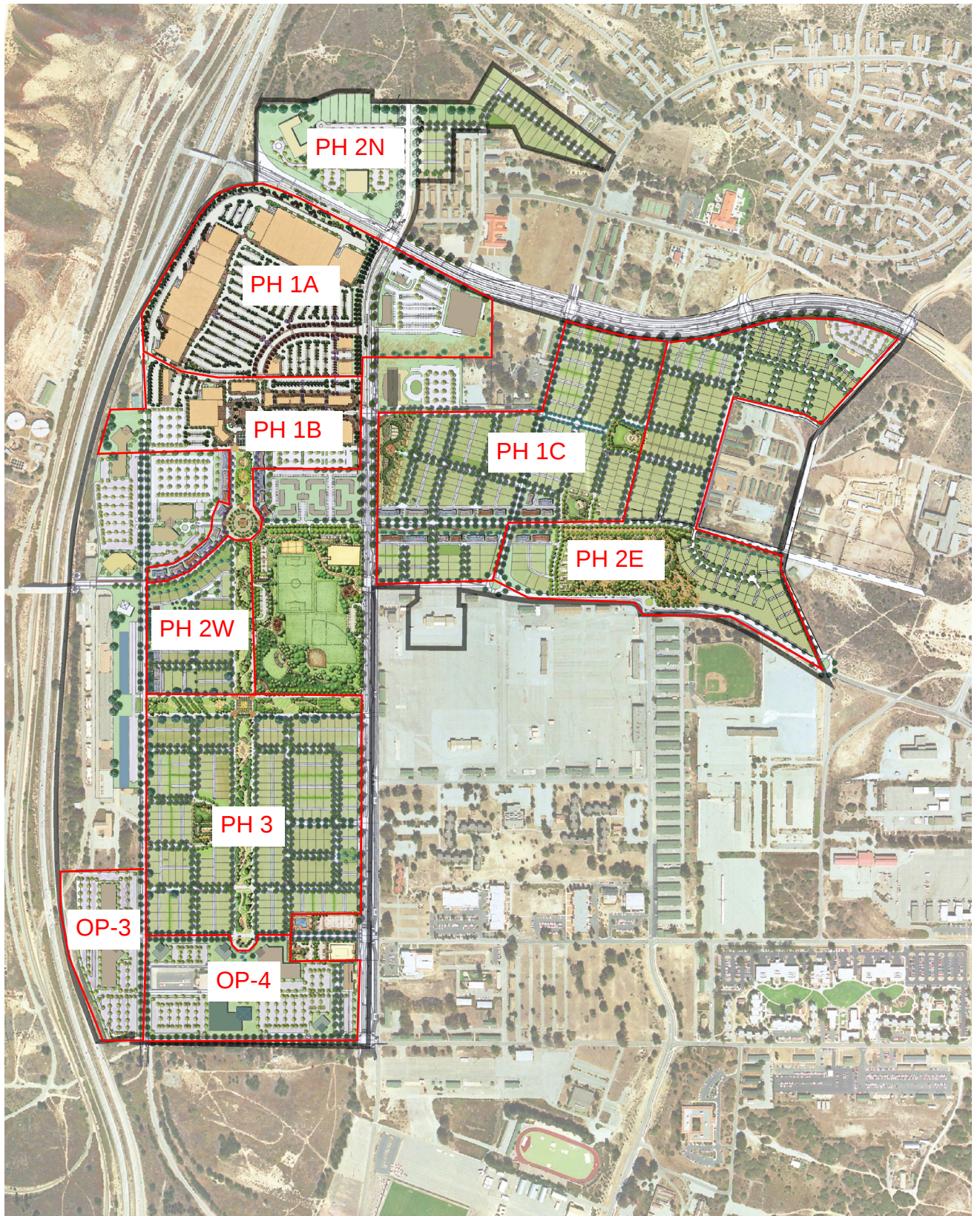
(*) PH1A includes big box retail, PH1B includes promenade retail plaza & theater, PH1C includes streetscape, Common off-site open space parcels, Neighborhood Parks & Phase 1-7 In-Tract developments.

Should you have any questions, please give me a call at 707-261-1568 or email at Byron@vandertoolen.com.

Sincerely,

Byron A. Williams, RLA
Associate Principal
vanderToolen Associates, Inc.

ARTIST'S CONCEPTUAL ILLUSTRATIVE PLAN



From: simmonsgreg@onemain.com
To: [Guido Persicone](#)
Cc: [Nick McIlroy](#)
Subject: Tree field trip
Date: Wednesday, May 7, 2025 7:34:00 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Guido,

A question from our field trip. For the parcel we viewed there are no trees scheduled to keep. There are at least 4 trees of significant size and reasonable health that I think are worth keeping. These are 712, 68" DBH, 743, 62" DBH, 741, 50" DBH and 752, 60" DBH. I spoke to the engineer on the site with us (forget his name despite meeting him before):). And asked him might it be possible to keep some of the large specimen trees by making cutouts to the grading plan or changing the slope (I specifically asked about 243, since I found a tag# on that one) he said he could look at it.

I'd like to request that we ask the developer to consider this option for all or some of these trees with large DBH. I could imagine while it might limit some parking space for the business it could be a very attractive addition to the site and make this a more attractive and greener project.

For the Marina Station while we approved the overall permit, we were able to ask the developer if they could save some of the large older oaks in the grove by the water tower. They went to the drawing board and they were able to save about 5-6 trees from an original plan to remove about 15 trees in the grove. I think that is one role the TC can play to try and advocate for a change where possible to keep more significant trees.

Thanks,

Greg

Chair and Members of the
Marina Tree Committee

Special Tree Committee Meeting
of May 15, 2025

THE TREE COMMITTEE TO CONSIDER RECOMMENDING THAT THE COMMUNITY DEVELOPMENT DIRECTOR APPROVE THE REMOVAL OF ONE TREE IMMEDIATELY IMPACTED BY DEMOLITION ACTIVITIES FOR THE CITY OF MARINA PROPERTY KNOWN AS THE ARTS VILLAGE IN OPPORTUNITY SITE 2 WITHIN THE DUNES DEVELOPMENT. TREES CHARACTERIZED AS HEALTHY WILL BE REPLACED AT 2:1 RATIO. THIS PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW PER SECTION 15304 OF THE CEQA GUIDELINES.

RECOMMENDATION

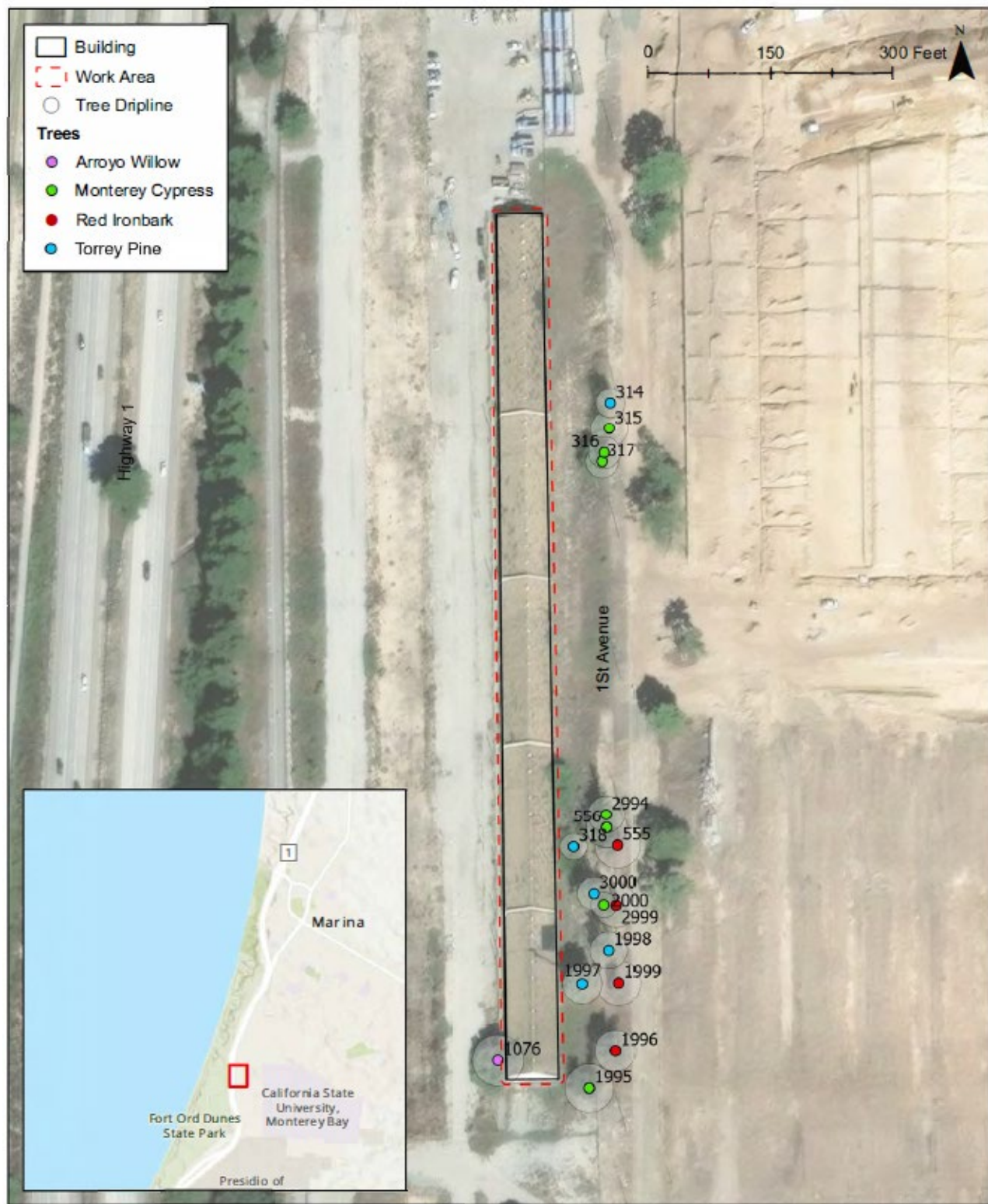
1. Open a public hearing and take any testimony from the public; and
2. Adopt TC Resolution 2025-03 recommending that the Community Development Director approve the removal of one tree immediately impacted by demolition activities for the City of Marina property known as the Arts Village in Opportunity Site 2 within the Dunes Development subject to findings, conditions of approval, and a Class 4, Sec. 15304, CEQA exemption for Minor Alterations to Land.

GENERAL SITE INFORMATION

Project Site

Location:	Southwest corner of 8 th Street and 1 st Avenue
Zoning district:	University Villages Specific Plan (UVSP) AKA the Dunes Development
General Plan / Specific Plan:	University Villages Specific Plan (UVSP)
Owner:	City of Marina
Arborist	Patric Krabacher of Densie Duffy & Assoc. (DD&A)

TREE REMOVAL MAP



BACKGROUND

On X, the City Council authorized the demolition of the southern building in Opportunity Site 2 of the Dunes Development (AKA University Villages).

On May 2, 2025, ISA Certified Arborist Patric Krabacher of Densie Duffy & Assoc. (DD&A) submitted an Arborist Report (“Report”) (**Exhibit A**) prepared in accordance with Marina Municipal Code (MMC) Chapter 17.62 (Tree Removal, Preservation and Protection) for the proposed project with a recommendation to remove one tree.

PROJECT OVERVIEW

The project as shown above proposes to remove one tree, because it is growing next to the loading dock of a building scheduled for removal.

Tree Removal

The tree removal aspect of this project requires removing one (1) tree, including one multi-stemmed Arroyo Willow in fair health. The table below from the arborist report provides additional details for the tree proposed to be removed:

Tag No.	Scientific Name	Common Name	DBH per Stem (in)	Total DBH (in)	Dripline per MMC (ft)	CRZ (ft)	Health	Status/Recommendation	Comments
1076	<i>Salix lasiolepis</i>	Arroyo Willow	Multi	32	39	11	Fair	Remove	Tree is growing adjacent to building to be demolished/

PROJECT ANALYSIS

Pursuant to MMC Section 17.62.060(D)(2) replace trees shall be based upon the replacement of the healthy trees to be removed on a minimum two-for-one basis as required in the conditions of approval in **Exhibit B**.

Tree Replacement

The removal of healthy trees requires replacement at a 2:1 ratio. For this project, there is one tree in fair condition, so the required replacement is a total of 2 trees. The applicants propose to plant two trees on the site when it is developed in the future.

Findings for the Tree Permit, per MMC 17.62.060.C, are included as **Exhibit C**.

CORRESPONDENCE

No applicable correspondence to this tree removal permit has been received as of May 2, 2025.

CONFLICT OF INTEREST

Committee members are subject to all aspects of the Political Reform Act. Tree Committee members must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest. Staff is not aware that any Committee member owns property within 1,000 feet of either project site.

ENVIRONMENTAL REVIEW:

The City of Marina Planning Division determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 19, Section 15304) because the project proposes minor alterations to land. Per MMC 17.62.060(D)(2) the seven trees proposed to be removed will be replaced at a 2:1 ratio resulting in planting of eight (8) replacement trees.

CONCLUSION:

This request is submitted for Tree Committee consideration and a recommendation of approval to the Community Development Director.

Submitted by:

Nicholas McIlroy, AICP
Senior Planner
City of Marina

Concur:

Guido F. Persicone, AICP
Community Development Director
City of Marina

Draft Resolution No. 2025-01

Exhibits to the Resolution:

- A. Arborist Report
- B. Findings
- C. Conditions of Approval

TREE COMMITTEE RESOLUTION NO. 2025-01

TREE COMMITTEE RESOLUTION RECOMMENDING THAT THE COMMUNITY DEVELOPMENT DIRECTOR APPROVE THE REMOVAL OF ONE TREE IMMEDIATELY IMPACTED BY DEMOLITION ACTIVITIES FOR THE CITY OF MARINA PROPERTY KNOWN AS THE ARTS VILLAGE IN OPPORTUNITY SITE 2 WITHIN THE DUNES DEVELOPMENT.

WHEREAS, on May 2, 2025, ISA Certified Arborist Patric Krabacher of Densie Duffy & Assoc. (DD&A) submitted an Arborist Report (“Report”) (**Exhibit A**) prepared in accordance with Marina Municipal Code (MMC) Chapter 17.62 (Tree Removal, Preservation and Protection) for the proposed project with a recommendation to remove seven trees;

WHEREAS, on May 15, 2025, at a duly noticed special public hearing, the Tree Committee considered TP25-002 requesting the removal of one tree for the property located on the southern corner of 8th Street and 2nd Avenue known as the Arts Village in Opportunity Site 2 within the Dunes Development (previously University Villages).

WHEREAS, the findings and conclusions made by the Tree Committee in this resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed amendment, which is incorporated herein by this reference. The findings are not based solely on the information provided in this resolution;

WHEREAS, the project is exempt from environmental review per Section 15304 of the CEQA Guidelines (Minor alterations to land);

NOW THEREFORE BE IT RESOLVED that the Tree Committee, based on “**Exhibit A**”, “**Exhibit B**” the findings, and “**Exhibit C**” conditions of approval, the Tree Committee does hereby recommend that the CDD Director approve the removal of one trees subject to Chapter 17.62 of the Marina Municipal Code.

PASSED AND ADOPTED by the Tree Committee of the City of Marina at a duly noticed special meeting on the 15th of May, 2025, by the following vote:

AYES, MEMBERS:

NOES, MEMBERS:

ABSENT, MEMBERS:

ABSTAIN, MEMBERS:

Jeff Markam, Chair

ATTEST:

Nicolas McIlroy, AICP
Senior Planner
City of Marina

Exhibit A

Arborist Report
(On Separate Sheet)

Exhibit B

Conditions of Approval

- 1. Timing of Tree Removal.** Given the types and sizes of trees to be removed, all tree removal activities shall either: 1) occur outside of bird nesting season which is March 1 – August 31; **or** 2) a qualified biologist shall survey the trees no more than two (2) weeks prior to start of work if within the nesting season.
- 2. Display of Tree Removal Permit.** Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on site. If no tree removal permit is displayed, the City will issue a stop work order and commence the City's administrative fine process.
- 3. Tree Protection.** All trees in the project area which are scheduled for preservation or potential removal shall be temporarily fenced prior to all project-related activities. Fencing shall be installed at the edge of the root zone (the area located within 15 times the trunk diameter in all directions) or located at the edge of pavement furthest from the trunk (whichever comes first). Fencing shall consist of chain link or plastic link fence which is maintained at a minimum height of four feet above grade during all phases of construction.

Fenced areas shall not be used for material stockpile, storage, or vehicle parking. Dumping of materials, chemicals, or garbage shall be prohibited within fenced areas. Fenced areas shall be maintained in natural condition at natural or existing grade and shall not be compacted.

- 4. Replacement Trees.** New trees shall be planted at a 2:1 ratio, i.e. 2 trees when the site is developed as the Arts Village.
- 5. Site Restoration Plan.** The ground surface shall be restored in the vicinity of the tree removals. Restoration shall include but not be limited to the removal of tree stumps and filling of any holes left by the removal.

Exhibit C

Tree Removal Permit Findings

MMC 17.62.060.C *Required Findings for Approval of Tree Removal Permit.* The following findings are required prior to approval or conditional approval of a tree removal permit:

1. The tree is in poor condition and is in danger of falling within proximity to existing structures, high pedestrian traffic areas such as parking lots, playgrounds and pedestrian walkways, or interference with utility services that cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices; or

N/A

2. The tree is host to a plant, or insect, or other parasitic organism which endangers other adjacent healthy trees; or

N/A

3. The location of more than three trees conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs; or

N/A

4. The number of trees on the site is in excess of the number of healthy trees the site is able to support, based on such considerations as tree species, growth characteristics, general health of the stand, tree age, solar orientation and soil condition; or

N/A

5. The applicant outlines other clearly documented and compelling reasons for the removal or relocation of a tree which do not include the elimination of falling leaves or shade, or improving a view; and

The tree directly impedes a building scheduled to be partially demolished.

6. The tree does not serve as part of a windbreak system, or assist in drainage or in the avoidance of soil erosion, or serve as a component of a wildlife habitat, or otherwise play a prominent role in maintaining the existing urban forest; and

Due to the size, health, and location, the trees proposed for removal do not serve as a windbreak system or assist in drainage or prevent soil erosion or serve as a habitat.

7. Due to the tree's contribution to the aesthetic beauty of the area, the removal would not have a substantial detrimental effect on neighboring property values; and

The tree does not contribute to the aesthetic beauty of the area due to its location growing into the empty building.

8. If the removal request is concurrent with development plans for the property and the development plans indicate that it is necessary to remove or relocate the tree to enable reasonable and conforming use of the property which is otherwise prevented by the location of the tree.

This tree removal request is being submitted concurrently with demolition plan that the City of Marina Public Works is currently coordinating with the developer.

Date: May 2, 2025

To: Doug Yount, Project Director
Shea Homes

CC: Doug McArdle, Community Development Manager
Shea Homes

From: Patric Krabacher, ISA Certified Arborist 11759
Denise Duffy & Associates, Inc.

RE: **Arborist Report for the Dunes on Monterey Bay Project, Phase 3 OP2 (Future Arts District)**

Denise Duffy & Associates, Inc. (DD&A) is contracted by Shea Homes (SH) to provide environmental consulting services for the Dunes on Monterey Bay Project, Phase 3 (project), located in the City of Marina (City) in Monterey County, California. A portion of the project is owned by the City and consists of a City-funded demolition of a dilapidated warehouse building within the Opportunity Parcel 2 (OP2) to allow for a future Arts District (**Figure 1**). Tree removal within the project site is regulated by the University Villages Specific Plan (UVSP) Existing Tree Removal, Relocation, and Replacement Standards (Tree Standards), approved on May 31, 2005; the project's Final Environmental Impact Report (FEIR) and Resolution; the project's Mitigation Monitoring and Reporting Program (MMRP); and Marina Municipal Code (MMC or City Code) Chapter 17.62 (Tree Removal, Preservation, and Protection). Removal of any living tree, as defined by the City, requires a tree removal permit.

To inform the development of project design plans that preserve as many healthy trees as practicable, DD&A conducted a complete inventory of protected trees within the project site in 2021. On April 8, 2025, DD&A conducted a follow-up inventory of trees within the OP2 Future Arts District site to verify or update current conditions. This report documents the tree which must be removed to facilitate construction of the Future Arts District and recommended actions to mitigate potential impacts to the trees and other sensitive biological resources in the area. Removal of living trees, as defined below, requires a tree removal permit from the City; this report includes the necessary components for a tree removal permit application.

METHODS

Limitations

It is not the intent of this report to provide a monetary valuation of the trees or provide risk assessment for any tree on this parcel, as any tree can fail at any time. Only a visual assessment of each tree was conducted, no clinical diagnosis was performed on any pest or pathogen that may or may not be present within the site. In addition to an inspection of the property, DD&A relied on information provided by SH and the City (such as survey data, property boundaries, and property ownership information) to prepare this report, and must reasonably rely on the accuracy of the information provided. DD&A shall not be responsible for another's means, methods, techniques, schedules, or procedures, or for contractor safety or any other related programs, or for another's failure to complete the work in accordance with the approved plans and specifications.



Survey Area

Date
4/28/2025

Scale
1 in : 175 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
1

Regulatory Framework

City of Marina Municipal Code

City of Marina Municipal Code (MMC) Section 17.62.030 requires a tree removal permit to remove, damage, or relocate, or cause to be removed, damaged, or relocated, any tree on any property within City limits, unless exempted by MMC Sections 17.62.040 or 17.62.050. MMC Section 17.62.030 also prohibits construction activities within the dripline of any tree, unless these activities are conducted in compliance with tree protection guidelines adopted by resolution of the planning commission.

MMC defines “tree” as any living woody perennial plant having a single stem of six (6) inches or more diameter at breast height (DBH; measured at 4.5 feet above ground) or a multi-stemmed plant having an aggregate diameter of ten inches or more measured at DBH, and any living woody perennial plant which was planted in accordance with requirements of an approved compensation plan or was planted as part of a landscaping plan approved by the City. MMC defines “Dripline” as the greater of the outermost edge of the tree’s canopy, or fifteen times DBH measured from the center point of the tree.

UVSP Tree Standards

UVSP Tree Standards call for the preservation of as many healthy Monterey cypress trees and oak trees as practicable. In accordance with the UVSP Tree Standards, Monterey cypress trees and oak trees that are in good or fair condition must be protected during construction and preserved wherever practicable. If relocation is possible, Monterey cypress and oak trees shall be removed by machinery, be immediately replanted at a new site, and be watered and fertilized. Existing healthy trees determined to be in good or fair condition that are removed shall be replaced on-site at a ratio of two (2) replacement trees for every one (1) removed (2:1). UVSP classifies tree health based on the following definitions:

- *Good.* Tree is healthy and vigorous as indicated by color of foliage and density, has no apparent signs of insect, disease, structural defects or mechanical injury. Tree has good form and structure.
- *Fair.* Tree is in average condition and vigor for the area, but may show minor insect, disease, or physiological problems. Trees rated as fair may be improved with correctional pruning.
- *Poor.* Tree that is in a general state of decline and may show severe structural or mechanical defects which may lead to failure, may have insect or disease damage, but is not dead.
- *Dead/Snag.* Dead standing tree.

Survey Methods

DD&A ISA Certified Arborist Patric Krabacher conducted a tree survey of the OP2 Parcel on April 8, 2025. The survey area encompassed the Future Arts District’s construction limits. Protected trees (trees that require a tree removal permit from the City and/or are defined in the UVSP) were inventoried in accordance with the following protocol, which was designed to meet the requirements of both MMC Chapter 17.62 and UVSP Tree Standards:

- All trees (including dead snags) 6” DBH or greater were tagged with a GPS location and a numbered aluminum marker (on the most feasible/visible location possible).¹
- Tree diameter was recorded at breast height (4.5 feet above ground) or (for multi-stemmed trees) at the most representable location.
- Multi-stemmed trees were recorded as one tree if the root crown (the point where the trunk meets natural grade) was contiguous. Multi-stemmed tree DBH was calculated by taking the square root

¹ Trees which were tagged during the initial tree inventory in 2021 retained their initial tag number and were not tagged again.

of the squared sum of all stems measured ($\sqrt{\text{Stem 1 DHB}^2 + \text{Stem 2 DBH}^2 + \text{Stem 3 DBH}^2 \dots}$). This equation returns the diameter at the base of the tree (Chojnacky, 1999).

- Species, size, and health class were recorded for each tree. Tree health was based on the UVSP classification system and was evaluated by visually inspecting each tree from its root crown to its foliar canopy for signs of decay, disease, or insect infestations.

GPS data were collected using a Trimble® TDC600 GPS and were then digitized using Trimble® TerraFlex and ESRI® ArcGIS 10.4. GPS data were collected using geographic coordinate system Universal Transverse Mercator (UTM) Zone 10 North and the World Geodetic System 1984 (WGS84) datum. The Trimble® TDC600 GPS has a GNSS accuracy of 1.5 meters.

RESULTS

DD&A inventoried 17 trees within the OP2 Parcel (**Figure 2, Appendix A**). Tree species and counts include seven (7) Monterey cypresses (*Hesperocyparis macrocarpa*), five (5) Torrey pines (*Pinus torreyana*), four (4) red ironbarks (*Eucalyptus sideroxylon*), and one (1) arroyo willow (*Salix lasiolepis*). Most trees (76%) within this parcel are in fair condition; they are in average vigor for the area, but are showing signs of diseases and insect infestations, including foamy bark canker, beetle evidence (i.e. sawdust and small symmetrical holes), sooty mold, bark and limb damage, and/or *Phytophthora* root and crown rot. No symptoms of sudden oak death were observed.

DISCUSSION

Tree Preservation

All seven (7) Monterey cypresses, five (5) Torrey pines, and four (4) Red ironbark trees can be avoided and will be protected in place during construction of the project (**Figures 2 & 3**). Tree protection must conform to the Recommended Best Management Practices (BMPs) (**Appendix C**).

Tree Removal

As a result of the proposed project, the one (1) arroyo willow (Tree Tag #1076) would be removed to allow for construction of the Future Arts District (**Figure 2 & 3, Appendices A & B**). The willow is growing out of the foundation of a dilapidated warehouse building which is scheduled for demolition and cannot be avoided. A tree removal permit from the City is required for removal of the willow. Tree removal must incorporate the mitigation measures and regulatory requirements of the FEIR, the MMRP, and the UVSP Tree Standards, as follows:

- Pre-construction surveys for active nests shall be conducted by a qualified biologist within 250 feet of proposed construction activities no more than 30 days prior to construction. If active nests are found and the biologist determines that construction activities would adversely affect the nest or cause nest abandonment, then those activities shall be avoided in these areas until the young have fledged, as by the qualified biologist. Once the young have fledged, construction activities may resume in the vicinity and no further mitigation measures shall be required.
- Prior to the removal of large trees, a qualified biologist shall survey the trees for the presence of roosting bats. If special-status bat species are present, the following measures shall be implemented.
 - Tree removal should not occur if maternity bat roosts are present (between April 15 and August 1) in the trees to be removed.
 - No tree removal should occur within 300 feet of the maternity roost until all young bats have fledged, as determined by a qualified biologist.

- If special-status bats are present but there is not an active maternity roost, a Memorandum of Understanding (MOU) with the California Department of Fish and Wildlife should be obtained in order to remove the animals prior to tree removal. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics should be constructed as directed by the qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by CDFW that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that mitigates for the loss of bat roosting habitat should be prepared by a qualified biologist and approved by CDFW prior to tree removal.
- Existing trees in good or fair condition which are to be removed shall be replaced on site at a ratio of two replacement trees for each removed (2:1).
- Replacement plantings shall be fifteen-gallon trees in locations within the greatest openings to minimize competition and maximum sunlight. (If fifteen-gallon sizes are unavailable, smaller sizes may be substituted.) The spacing between trees shall be at least eight (8) feet. Watering for establishment within the first two (2) months shall be at least once (1) per week, then every two (2) weeks during the late spring, summer, and fall for two (2) years.

In accordance with the above requirements for tree replacement, a total of two (2) replacement plantings are required to mitigate for the removal of one (1) healthy arroyo willow tree. DD&A does not recommend replanting in-kind; replacement plantings shall be a species from the City's approved planting palette.

CONCLUSION

A total of 17 trees were identified within and adjacent to the boundaries of Phase 3, OP2 of the Dunes Project. Trees located outside the project's construction footprint will be avoided and protected in place, as necessary, during construction.

To facilitate construction within the OP2 Parcel, one (1) healthy arroyo willow tree (Tag #1076) would require removal. A tree removal permit from the City is required to remove the tree, and tree replacement at a 2:1 ratio is required to mitigate for the removal. Therefore, SH will replace the removal of the tree with two (2) replacement plantings. Replacement plantings shall be a species from the City's approved planting palette. Tree removal must be conducted in accordance with the measures described in this report and any additional measures required by the tree removal permit.

REFERENCES

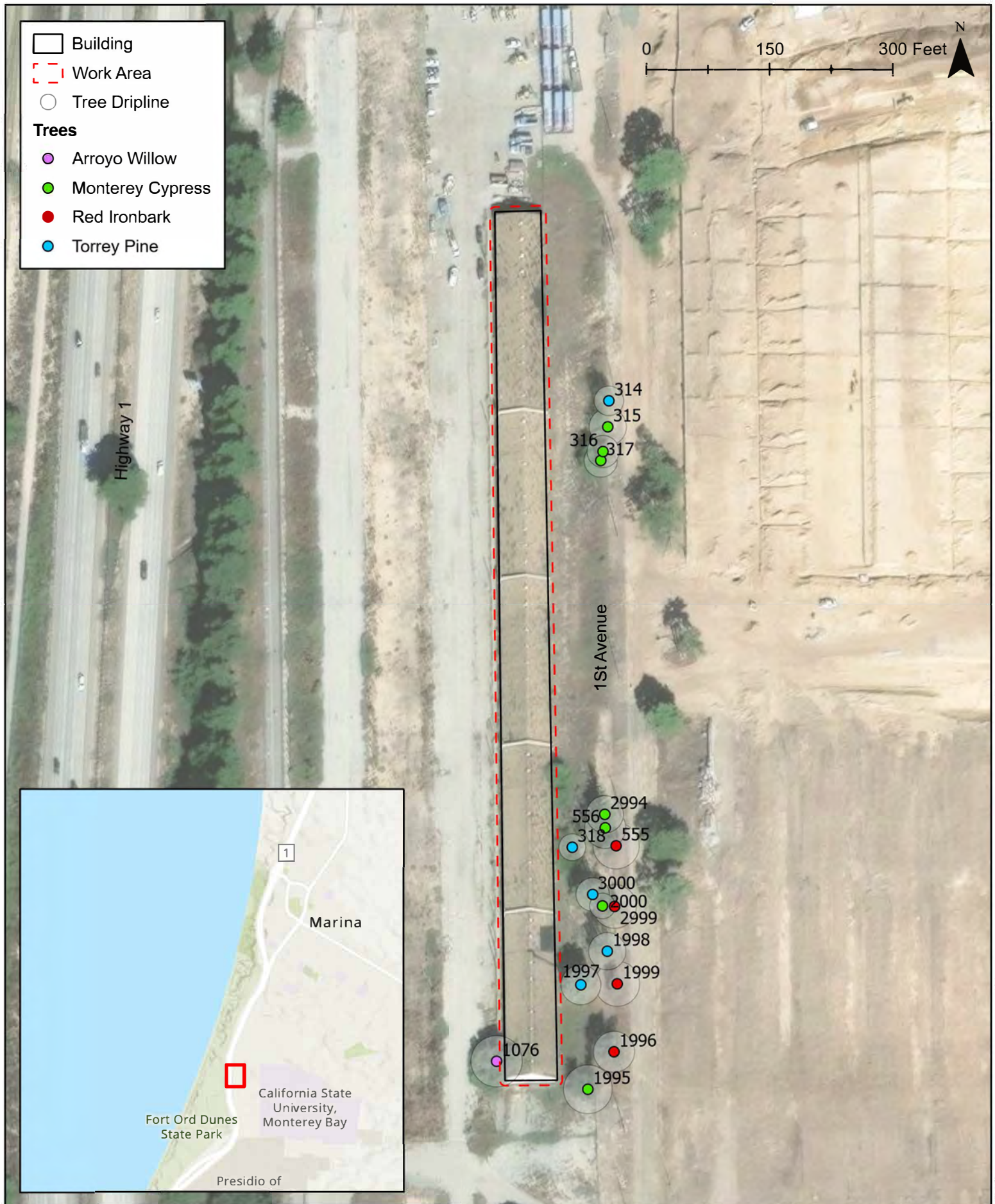
David C. Chojnacky, 1999. Converting Tree Diameter Measured at Root Collar to Diameter at Breast Height.

APPENDICES

Appendix A: Tree Table

Appendix B: Photo Log

Appendix C: Recommended Best Management Practices



Tree Survey Results

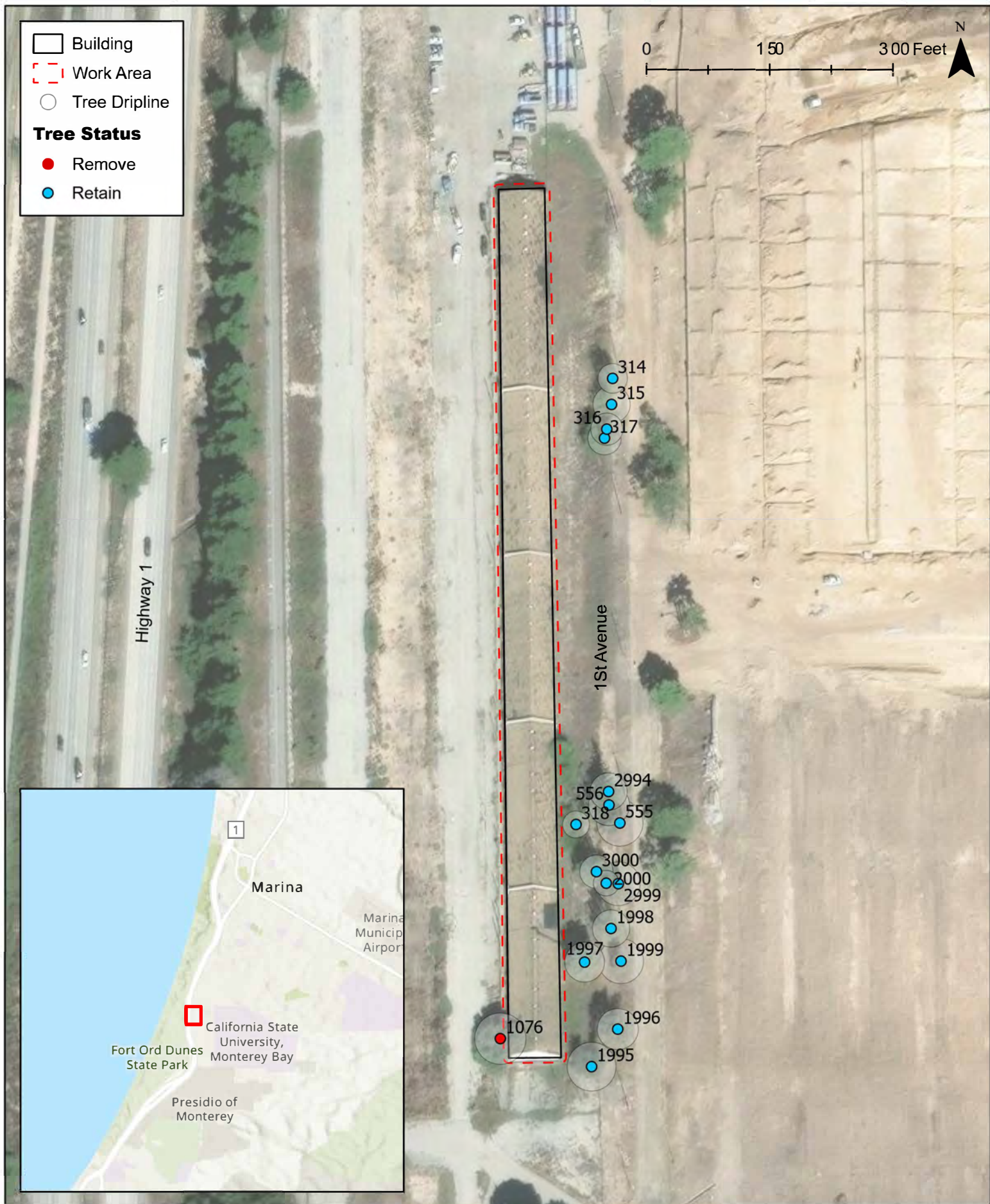
Date
4/25/2025

Scale
1 in : 150 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure
2



Tree Removal Plan

Date
4/25/2025

Scale
1 in : 150 ft



DENISE DUFFY & ASSOCIATES, INC.
Planning and Environmental Consulting

Figure

3

APPENDIX A

Tree Table

Tag #	Scientific Name	Common Name	Individual Stems DBH (in)					Total DBH (in)	Dripline (ft)	CRZ (ft)	Health	Status
314	<i>Pinus torreyana</i>	Torrey Pine	10					10	13	3	Fair	Retain
315	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	18					18	23	6	Fair	Retain
316	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	13					13	16	4	Fair	Retain
317	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	14					14	18	5	Fair	Retain
318	<i>Pinus torreyana</i>	Torrey Pine	8					8	10	3	Fair	Retain
555	<i>Eucalyptus sideroxylon</i>	Red Ironbark	26					26	33	9	Poor	Retain
556	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	22					22	28	7	Fair	Retain
1076	<i>Salix lasiolepis</i>	Arroyo Willow	17	17	16	10	8	32	39	11	Fair	Remove
1995	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	16	9	9	10	17	28	36	9	Fair	Retain
1996	<i>Eucalyptus sideroxylon</i>	Red Ironbark	22					22	28	7	Fair	Retain
1997	<i>Pinus torreyana</i>	Torrey Pine	21					21	26	7	Good	Retain
1998	<i>Pinus torreyana</i>	Torrey Pine	18					18	23	6	Good	Retain
1999	<i>Eucalyptus sideroxylon</i>	Red Ironbark	17	19				25	32	8	Fair	Retain
2000	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	6					6	8	2	Fair	Retain
2994	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	18					18	23	6	Fair	Retain
2999	<i>Eucalyptus sideroxylon</i>	Red Ironbark	25					25	31	8	Fair	Retain
3000	<i>Pinus torreyana</i>	Torrey Pine	14					14	18	5	Good	Retain

APPENDIX B

Photo Log of Tree Proposed for Removal



Photo 1. Arroyo willow proposed for removal, facing south. (April 8, 2025)



Photo 2. Arroyo willow proposed for removal, facing north. (April 8, 2025)

APPENDIX C
Recommended Best Management Practices

Fencing and Barricades

All trees in the project area which are scheduled for preservation shall be temporarily fenced prior to all project-related activities. Fencing shall be installed at the edge of the root zone (the area located within 15 times the trunk diameter in all directions) or located at the edge of pavement furthest from the trunk (whichever comes first). Fencing shall consist of chain link or plastic link fence which is maintained at a minimum height of four feet above grade during all phases of construction.

Fenced areas shall not be used for material stockpile, storage, or vehicle parking. Dumping of materials, chemicals, or garbage shall be prohibited within fenced areas. Fenced areas shall be maintained in natural condition at natural or existing grade and shall not be compacted.

All approved construction within the root zone shall include construction barricades. Barricades shall be upright and be constructed from two-inch by four-inch planks standing a minimum of eight feet vertically, conforming to the tree, and shall be tied with wire or rope forming a maximum of one-inch space between the planks. If the tree's configuration or site conditions do not lend themselves to the installation of this type barricade, a certified arborist or City Forester shall designate alternate tree protection methods. Under certain conditions where soil compaction is probable, fences may also be required around a tree or grouping of trees. The use of recycled lumber, synthetic lumber, or similar materials approved by a certified arborist or City Forester is encouraged.

Tree Pruning

Tree pruning shall be minimal but, when necessary, shall be performed in accordance with American National Safety Institute (ANSI) A300 Pruning Standards. Pruning may include the larger canopied trees that have deadwood or are exhibiting some minor structural defect or minor disease that must be compensated. Should the health and vigor of any tree decline, it shall be treated as appropriately recommended by a certified arborist or qualified forester. In general, trees shall be assessed then pruned first for safety (e.g., broken and cracked limbs shall be removed in high-traffic areas of concern), next for health, and finally for aesthetics. No more than 25% of the overall tree crown shall be pruned in one season.

Tree pruning may include crown thinning, crown raising, crown reduction, or crown restoration, as described below.

Crown Thinning

Crown thinning is the cleaning out of or removal of dead, diseased, weakly attached, or low vigor branches from a tree crown. Crown thinning shall be conducted as follows:

- All trees shall be pre-assessed on how the tree will be pruned from the top down.
- Tree trimmers shall favor branches with strong, U-shaped angles of attachment and, where possible, remove branches with weak, V-shaped angles of attachment and/or included bark.
- Lateral branches shall be evenly spaced on the main stem of young trees and areas of fine pruning.
- Branches that rub or cross another branch shall be removed where possible.
- Lateral branches shall be no more than one-half to three-quarters of the diameter of the stem to discourage the development of co-dominant stems where feasible.
- In most cases, trimmers shall not remove more than one-quarter of the living crown of a tree at one time. If it is necessary to remove more, it shall be done over successive years.

Crown Raising

Crown raising removes the lower branches of a tree to provide clearance for buildings, vehicles, pedestrians, and vistas. Crown raising shall be conducted as follows:

- Live branches on at least two-thirds of a tree's total height shall be maintained wherever possible. The removal of too many lower branches would hinder the development of a strong stem.
- All basal sprouts and vigorous epicormic sprouts shall be removed where feasible.

Crown Reduction

Crown reduction is used to reduce the height and/or spread of trees and is used for maintaining the structural integrity and natural form of a tree. Crown reduction shall be conducted only when absolutely necessary, as follows:

- Pruning cuts shall be at a lateral branch that is at least one-third the diameter of the stem to be removed wherever possible.
- When it is necessary to remove more than half of the foliage from a branch, it may be necessary remove the entire branch.

Crown Restoration

Crown restoration is used to improve the structure and appearance of trees that have been topped or severely pruned using heading cuts. One of three sprouts on main branch stubs should be selected to reform a natural appearing crown. Selected vigorous sprouts may need to be thinned to ensure adequate attachment for the size of the sprout. Restoration may require several years of pruning.

Root Pruning

Where alternative routes are not available, any subsurface construction related activities for the project shall avoid cutting major roots with a diameter of greater than or equal to two inches, unless necessary. All approved construction within the root zone shall conform to the following construction practices:

- Hand trenching at point or line of grade cuts closest to the trunk to expose major roots two inches or more in diameter.
- In cases where rock or unusually dense soil prevents hand trenching, mechanical trenching may be permitted provided that work inside the dripline is closely supervised to prevent tearing or other damage to major roots (greater than or equal to two inches).
- Exposed major roots shall be cut with a saw to form a smooth surface and avoid tearing or jagged edges.
- Absorbent tarp or heavy cloth fabric shall be placed over grade cuts where roots are exposed and secured with stakes and two to four inches of compost or wood chips spread over the tarp to prevent moisture loss. Care shall be taken that moisture levels beneath tarped areas remain comparable to surrounding areas until backfilling occurs. Some watering of these areas may be necessary to maintain moisture levels, and such measures shall remain in effect through all phases of construction, including all delays and other periods of inactivity.



DENISE DUFFY & ASSOCIATES, INC.

PLANNING AND ENVIRONMENTAL CONSULTING

Date: May 2, 2025

To: Doug Yount, Project Director
Shea Homes

CC: Doug McArdle, Community Development Manager
Shea Homes

From: Patric Krabacher, Project Manager/Senior Environmental Scientist
Denise Duffy & Associates, Inc.

**SUBJECT: Nesting Bird Survey Results for the Dunes on Monterey Bay Project, Phase 3 OP2
(Future Arts District)**

Denise Duffy & Associates, Inc. (DD&A) is contracted by Shea Homes (SH) to provide environmental consulting services for the Dunes on Monterey Bay Project, Phase 3 (project), located in the City of Marina (City) in Monterey County, California. A portion of the project is owned by the City and consists of a City-funded demolition of a dilapidated warehouse building within the Opportunity Parcel 2 (OP2) to allow for a future Arts District. In accordance with the project's Final Environmental Impact Report Mitigation Measure BR-4.1 (FEIR) and Mitigation Monitoring and Reporting Program (MMRP), DD&A biologists conducted a pre-construction survey for nesting birds and bats prior to the demolition of the existing warehouse within OP2 on May 2, 2025.

The survey was conducted in structures that were easily accessible and within which all areas of the buildings could be visually searched. These surveys were conducted by visually inspecting the inside of the buildings and structures for nests with flashlights and mirror poles, including the ceilings and rafters. In addition to active avian nests DD&A biologists also surveyed for signs of active bat roosting sites including; droppings, feeding remains, scratch marks, urine stains, and actual bat sightings.

No active bird nests were observed within the survey areas. Therefore, no additional protective measures for nesting birds are required. If you have any questions or comments, do not hesitate to contact me at (831) 373-4341 ext. 29 or at pkrabacher@ddaplanning.com.

Sincerely,

Patric Krabacher, Senior Environmental Scientist
DENISE DUFFY & ASSOCIATES, INC.

Members of the Marina
Tree Committee

Tree Committee Meeting
of March 11, 2025

**THE TREE COMMITTEE TO REVIEW AND GIVE INPUT ON A
COMPARISON TABLE PREPARED BY A SUB-COMMITTEE OF THE TREE
COMMITTEE. THIS ITEM IS NOT A PROJECT PER SECTION 15378 OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

RECOMMENDATION:

“The Tree Committee to receive a presentation from staff and sub-committee members, review the staff report and tree ordinance comparison table and provide general direction.”

BACKGROUND

On February 26, 2024, the Tree Committee approved a Tree Committee workplan with three goals:

- 1) Review and write a new version of Marina’s Recommended Tree List.
- 2) Make recommendations for changes to modernize the City’s tree ordinance.
- 3) Consider other opportunities and strategies to promote a healthy urban forest.

On May 6, 2024, the Tree Committee appointed Simmons and Markam to a subcommittee to work on Goal #2 to make recommendations for changes to modernize the City’s tree ordinance.

COMPARING TREE REMOVAL AND PRESERVATION ORDINANCES

The Ordinance Subcommittee has prepared a comparison table outlining potential updates to the City's Tree Ordinance (**Exhibit A**).

Purpose of the Discussion

The goal of this review is to evaluate the existing Tree Ordinance (**Exhibit B**) and explore ways to improve it. For example, Subcommittee Member Markham has noted that the City of Marina does not currently have a tree canopy target. Establishing a canopy target could serve as an aspirational policy and be incorporated into the website or the ordinance. Additionally, the City of Marina does not have a Protected Tree List. Other jurisdictions that have protected trees state that they must be replaced regardless of their health. The Tree Committee may wish to discuss whether to establish such a list and determine which species should be included.

Planning staff has identified several areas in the Tree Ordinance that may need updates, including:

1. Emergency Tree Removal Permits
 - Currently, there is no requirement for a compensation plan with replacement trees.
 - The ordinance should be updated to require replanting after emergency tree removals.
2. Exemptions for Public Agencies
 - Government agencies and public utility providers should be exempt from tree removal permits when removals are necessary for the public health, safety, and general welfare of the community.
3. Tree Preservation and Protection Provisions
 - Clear preservation and protection standards should be added to the ordinance to prevent unnecessary removals and ensure better tree management.
4. Arborist Report Requirement
 - Under Municipal Code Section 17.62.060(A)(3), an arborist report is currently suggested but not required.
 - The ordinance should be updated to require an arborist report for tree removals.

5. Exceptions for Certain Trees

- Some trees should be exempt from removal permits, including:
 - a. Nuisance trees, such as invasive species (e.g., Acacia).
 - b. Potted trees, as they are not part of the natural landscape.

This discussion will help guide proposed changes to the Tree Removal, Preservation and Protection Ordinance. The Tree Committee is encouraged to provide input on these proposed changes.

ENVIRONMENTAL DETERMINATION

This item is not a project per Section 15378 of the California Environmental Quality Act (CEQA).

CONCLUSION:

This action item is submitted to the Tree Committee to review, comment, and give general direction.

Respectfully submitted,

Nicholas McIlroy, AICP
Senior Planner
City of Marina

Exhibits:

- A. Comparison Table
- B. Marina Municipal Chapter 17.62 Tree Removal, Preservation and Protection

Website Comparison					
#	Category	Pacific Grove	Monterey	Seaside	Marina
1	Canopy Coverage Goal	YES : 38%	NO	NO	NO
2	Recommended Trees	YES	NO	NO	YES (City Website)
3	Tree Giveaways	NO	YES	YES	NO
4	List of Certified Arborists	YES	NO	NO	NO
Ordinance Comparison					
#	Category	Pacific Grove	Monterey	Seaside	Marina
1	Landmark Tree Policy	YES	YES	YES: "Heritage Trees"	YES
2	Tree Planting Requirements (PUBLIC SPACE)	YES	YES	YES	YES
3	Tree Pruning Restrictions (PUBLIC SPACE)	YES	YES	YES	YES
4	Tree Planting Requirements (PRIVATE PROPERTY)	YES	NEW CONSTRUCTION / REMODEL	YES: Part of planning. Tree Board may be involved	NO (new construction only)
5	Tree Pruning Restrictions (PRIVATE PROPERTY)	YES	YES	YES	NO (except landmark trees)
6	Tree Pruning Wildlife Protection (PUBLIC SPACE)	YES	YES	YES	YES
7	Tree Pruning Wildlife Protection (PRIVATE PROPERTY)	YES	YES	YES	NO
8	Tree Replacement Process	YES	YES	YES: Tree Board	YES (Public) Tree and Planning Committees
9	Improper / Illegal Pruning Fine (PUBLIC SPACE)	YES	YES	YES	YES
10	Improper / Illegal Pruning Fine (PRIVATE PROPERTY)	YES	YES	YES	NO (except landmark trees)
11	Improper / Illegal Removal Fine (PUBLIC SPACE)	YES	YES	YES	YES
12	Improper / Illegal Removal Fine (PRIVATE PROPERTY)	YES	YES	YES	NO (except landmark trees)
13	Developer / Construction Plan Tree Requirements	YES	YES : Architectural Committee review	YES; Tree Board	YES (per tree and planning committees)
14	Tree Protection During Construction	YES	YES	YES	PUBLIC ONLY
15	Nuisance Tree List / Policy	YES - Invasive Species	NO	Coast Redwood, Blue Gum Eucalyptus, Willow, Cottonwood or Poplar	NO
16	Nuisance Tree Abatement (PUBLIC SPACE)	YES	YES	YES	YES
17	Nuisance Tree Abatement (PRIVATE PROPERTY)	YES	YES	YES	NO
18	Tree Contractor Permit	YES	YES	YES	YES
19	Protected Trees	YES: Has Urban Forest Standards	YES	YES	NO (landmark tree policy only)
20	Appeal Process	YES: To City Council	YES : City Arborist, City Council	YES: City Council	YES
21	Permit Required for Removal (PUBLIC SPACE)	YES	YES	YES	YES
22	Permit Required for Removal in Single-Family Residential (PRIVATE PROPERTY)	YES	YES	YES	NO (except landmark trees)
23	Permit Required for Pruning (PUBLIC SPACE)	YES	YES	YES: See "Abuse"	NO (within "normal maintenance" provisions)
24	Permit Required for Pruning (PRIVATE PROPERTY)	YES	YES	YES	NO
25	Arborist Report Required for Removal	YES: Except in case of safety/emergency	City Forester Report	NO: However, may be part of application	NO (Listed, not explicitly required)
26	Public Notice Requirements (PUBLIC SPACE)	YES	YES	YES	YES
27	Public Notice Requirements (PRIVATE PROPERTY)	YES	YES	NO? (not clear)	NO

#	Category	Pacific Grove	Monterey	Seaside	Marina
28	Permit Duration	60 days	30 days	45 days	NO (Part of Conditions of Approval)
29	Appeal Authority/Agency	City Council	Architecture Review Committee / City Council	City Council	Planning Commission -> City Council
30	Storm / Emergency Exceptions (PUBLIC SPACE)	YES	YES	YES	YES
31	Storm / Emergency Exceptions (PRIVATE SPACE)	YES	YES	YES	YES
32	Fire Dept, / Public Safety Exemptions	YES	YES	YES	YES

Link To Code/Ordinances

<https://www.codepublishing.com/CA/PacificGrove/-/PacificGrove12/PacificGrove12.html>
<https://monterey.municipal.codes/Code/37>
<https://www.codepublishing.com/CA/Seaside/-/Seaside08/Seaside0854.7.62.html>
<https://marina.municipal.codes/Code/1>

Chapter 17.62

TREE REMOVAL, PRESERVATION AND PROTECTION

Sections:

- 17.62.010 Purpose and intent.**
- 17.62.020 Definitions.**
- 17.62.030 Unlawful actions upon trees.**
- 17.62.040 General exemptions.**
- 17.62.050 Exemptions for governmental entities.**
- 17.62.060 Tree removal permit.**
- 17.62.070 Landmark trees.**
- 17.62.080 Fees relating to landmark trees.**
- 17.62.090 Tree committee.**

Prior legislation: Ords. 97-3 and 96-3.

17.62.010 Purpose and intent.

A. The city recognizes that the maintenance and new growth of healthy trees facilitates drainage, combats soil erosion, reduces global warming, adds real property and aesthetic values, and provides habitat for wildlife. To enhance the beauty of the city, while at the same time recognizing individual rights to develop private property, the city council adopts this chapter, establishing basic standards and measures to preserve and maintain existing trees and to encourage new tree planting.

B. It is the intent of the city by the adoption of these regulations to limit and restrict the removal of healthy and desirable trees in the city. However, regarding single-family residential properties which cannot be further subdivided, the intent is to limit and restrict only the removal of landmark trees. (Ord. 2024-04 § 3, 2024; Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

17.62.020 Definitions.

As used in this chapter:

“Compensation plan” means a site plan outlining the planting location and species of replacement trees.

“Damage” means any action undertaken which causes or may cause death or significant injury, or which places the tree in a hazardous condition or in an irreversible state of decline. This includes, but is not limited to, cutting, topping, girdling, poisoning, trenching or excavating within the drip line or setting a tree on fire or allowing a tree or any portion of a tree to burn.

“DBH” or “diameter at breast height in inches” means the diameter of a tree measured at four and one-half feet above the ground while standing on the high side of the tree. The diameter may be calculated by use of the following formula: diameter equals circumference divided by 3.142.

“Development proposal” means and includes:

1. Proposed land subdivisions;
2. Proposed building projects for uses requiring site and architectural design approval by Section [17.50.010](#); and
3. Government and utility company construction projects.

“Drip line” means the greater of the outermost edge of the tree’s canopy or fifteen times DBH measured from the center point of the tree.

Land, City. “City land” means and includes all publicly owned land including, but not limited to, parks, beaches, street right-of-way and parts of any public right-of-way devoted to plantings or park-like use.

“Person” means any individual, firm, association, corporation or other legal entity and agents, employees or representatives thereof.

“Tree” means any living woody perennial plant having a single stem of six inches or more DBH or a multistemmed plant having an aggregate diameter of ten inches or more measured at DBH and any living woody perennial plant which was planted in accordance with requirements of an approved compensation plan or was planted as part of a landscaping plan approved by the city.

Tree, City. “City tree” means any tree with more than one-half of either its trunk or branches on or above city-owned land, including any street right-of-way.

“Tree expert” means professional forester or certified arborist.

Tree, Healthy. “Healthy tree” means a tree that is continuing to thrive and is not in decline as determined by a tree expert.

Tree, Landmark. “Landmark tree” means any tree which has been identified by resolution of the planning commission as a landmark tree pursuant to Section [17.62.070](#).

Tree, Public Nuisance. “Public nuisance tree” means any tree or shrub growing or standing on city land or private property so its roots damage curbs, street paving or sidewalks in the public right-of-way or so it restricts the flow of traffic or visibility of any person using such streets and public rights-of-way.

“Tree removal permit” means an authorization by the city for the removal of a tree or trees.

“Tree replacement” means any tree planted in accordance with requirements of an approved compensation plan.

Tree Stand, Landmark. "Landmark tree stand" means any grouping of two or more trees which has been identified by resolution of the planning commission as a landmark tree stand unless subsequently excluded by resolution of the planning commission.

Tree, Street. "Street tree" means any city tree with more than one-half of either its trunk or branches on or above any street right-of-way. (Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

17.62.030 Unlawful actions upon trees.

Unless otherwise exempted, it is unlawful for any person to:

- A. Remove, damage or relocate or cause to be removed, damaged or relocated any tree within the city without first obtaining a tree removal permit following the provisions of Section [17.04.060](#), unless said removal, damage or relocation is exempted by Section [17.04.040](#) or [17.04.050](#);
- B. Conduct construction activities within the drip line of any tree unless these activities are conducted in compliance with tree protection guidelines adopted by resolution of the planning commission. (Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

17.62.040 General exemptions.

A tree removal permit is not required in order to remove or relocate a tree under any of the following listed circumstances:

- A. When removing, damaging or relocating nonlandmark trees or conducting construction activities within the drip line of nonlandmark trees on a property in the R-1, or single-family district, which is developed with one single-family residential dwelling unit and the size and shape of the property or the location of the dwelling on said property is such that the property may not be subdivided into two or more lots in conformance with Marina's zoning and subdivision ordinances;
- B. When performing normal maintenance, trimming and pruning for trees located on private property or for a street tree abutting said property when authorized by the owner of said property;
- C. When removing a tree which (1) was planted as part of an approved compensation plan when such removal and the replacement of said tree are accomplished in accordance with the conditions of an existing tree removal permit as determined by the community development director or designee or (2) was planted as part of a landscaping plan approved by the city when such removal is accomplished in accordance with a modified landscaping plan approved by the community development director or designee;
- D. In the event of an emergency whereby immediate action is required because of danger to life or property, any tree may be removed upon approval of the community development director or designee. Upon authorization of such removal, the community development director or designee shall file a report with the planning commission

describing the facts and circumstances constituting the emergency and said report shall be provided to the tree committee. (Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

17.62.050 Exemptions for governmental entities.

A tree removal permit is not required in order to remove or relocate a tree by a governmental entity under any of the following listed circumstances. However, removal of a city tree shall be accompanied by the removal of the stump to a level no higher than two inches below the adjoining finish grade elevation:

- A. When removal is determined necessary by fire department personnel actively engaged in fighting a fire;
- B. When trees are injured by and determined to be dangerous by a peace officer or firefighter in their official capacity;
- C. When trees are unintentionally damaged during the conduct of a drill by an agency of federal, state or city government, to train for emergency or public safety operations, provided the drill is approved in advance by the city. In the case of a drill, all possible effort will be made to protect existing trees;
- D. When the city performs normal maintenance, trimming and pruning of city trees;
- E. Up to three trees when corrective measures are taken to control or remove trees deemed detrimental to public health, safety or general welfare under the provisions of the Street and Highway Code. Such corrective measures shall be accomplished in the least intrusive manner. The removal of more than three trees in this manner shall require a tree removal permit;
- F. Up to three trees when the location of a nonlandmark street tree conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs. The removal of more than three trees in this manner shall require a tree removal permit;
- G. When corrective measures are taken to control or remove nonlandmark public nuisance trees. (Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

17.62.060 Tree removal permit.

A. *Application.* A person who desires to remove or relocate any tree on any property unless exempted by Section [17.62.040](#) or [17.62.050](#) shall first secure a tree removal permit from the city. An application for such a permit shall be made on an application form provided by the city accompanied by fees established pursuant to action by the city council. The application shall contain the following:

1. The number, species, size, location of each tree proposed for removal and that may potentially be affected by the proposed development;
2. A statement on the reason for the requested action; and

3. Any other pertinent information determined necessary by the community development director or designee, such as an arborist report, prepared by a tree expert, that includes the following:

- a. Physical identification of each tree on site that is addressed by the report, either by number or colored tag that is attached to each tree and keyed to the report,
- b. A site plan that identifies the location of each tree on site that is addressed by the report, its root zone and canopy in relation to proposed development,
- c. Size, species, health, and impacts anticipated by the proposed development, and
- d. Whether the tree is proposed for preservation or removal;

4. That identifies all existing and proposed site improvements and the location, root zone drip line, and canopy of each tree in the arborist report.

B. *Review Process.* The community development director or designee, upon review and recommendation by the tree committee, may approve, deny or conditionally approve a request for removal. If the request is a part of a development proposal that requires review by the site and architectural design review board, the minor subdivision committee, and/or the planning commission, the community development director or designee shall refer the application together with a recommendation for action thereon to the appropriate reviewing body.

C. *Required Findings for Approval of Tree Removal Permit.* The following findings are required prior to approval or conditional approval of a tree removal permit:

1. The tree is in poor condition and is in danger of falling within proximity to existing structures, high pedestrian traffic areas such as parking lots, playgrounds and pedestrian walkways, or interference with utility services that cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices; or
2. The tree is host to a plant, or insect, or other parasitic organism which endangers other adjacent healthy trees; or
3. The location of more than three trees conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs; or
4. The number of trees on the site is in excess of the number of healthy trees the site is able to support, based on such considerations as tree species, growth characteristics, general health of the stand, tree age, solar orientation and soil condition; or
5. The applicant outlines other clearly documented and compelling reasons for the removal or relocation of a tree which do not include the elimination of falling leaves or shade, or improving a view; and
6. The tree does not serve as part of a windbreak system, or assist in drainage or in the avoidance of soil erosion, or serve as a component of a wildlife habitat, or otherwise play a prominent role in maintaining the existing urban forest; and

7. Due to the tree's contribution to the aesthetic beauty of the area, the removal would not have a substantial detrimental effect on neighboring property values; and

8. If the removal request is concurrent with development plans for the property and the development plans indicate that it is necessary to remove or relocate the tree to enable reasonable and conforming use of the property which is otherwise prevented by the location of the tree.

D. *Conditions of Approval.* If it is determined by the appropriate approval authority that adverse effects of tree removal can be mitigated, conditions shall be imposed on the removal including, but not limited to, one or more of the following:

1. *Tree Removal and Protection Plan.* Tree removal information shall be provided on the grading permit prior to issuance. All tree protection shall be installed and approved by the grading inspector prior to removal or retention of any trees. The tree removal and protection plan shall include:

- a. Trees approved for removal;
- b. Trees required to be preserved or relocated;
- c. Tree protection guideline notes to include an objectively observable maintenance and care plan and program to be implemented to insure the continued health and care of other trees on the property during construction in accordance with tree protection guidelines adopted by resolution of the planning commission.

2. *Compensation Plans.* Requiring the replacement or placement of additional trees on the property and/or the payment to the city to fund the purchase, the planting and the maintenance of off-site replacement trees by the city pursuant to a city-adopted public tree planting plan. Such replacement trees and/or payment shall be based upon having the combined DBH of the replacement trees equal to the combined DBH of the healthy trees to be removed unless the compensation plan is appealed, in which case the city council may approve tree replacement at a lesser rate. However, until such time as said public tree planting plan is adopted, such replacement trees and/or payment shall be based upon the replacement of the healthy trees to be removed on a minimum two-for-one basis or multiplied by three for each tree removed in violation of this chapter, unless the compensation plan is appealed, in which case the city council may approve tree replacement at a lesser rate.

3. *Site Restoration Plan.* Requiring restoration of ground surface area in the vicinity of tree removals. Such restoration shall include but not be limited to the removal of tree stumps and the filling of any holes left by the tree removals.

E. *Public Notice.*

1. In the event that the tree removal request is associated with a development proposal, the public shall be informed of said request following the noticing procedures for said development proposals pursuant to Marina's subdivision and zoning ordinances.

2. In the event that the tree removal request is not associated with a development proposal and the city manager or designee grants a tree removal permit, a notice of such action shall be posted on the site together with information relative to appeal rights.

F. *Display of Tree Removal Permit.* Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on site. If no tree removal permit is displayed, the city will issue a stop work order and commence the city's administrative fine process. (Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

17.62.070 Landmark trees.

This section establishes criteria for designation of landmark tree(s) and landmark tree stand(s) and establishes a process for conferring such a designation upon a tree or stand of trees.

A. *Minimum Criteria.* To be eligible for consideration as a landmark tree or landmark tree stand, trees or a group of trees must meet the following minimum criteria:

1. Prominently visible from public streets, public parking areas, parks or open space, from a minimum distance of one hundred feet;
2. Indicate at least a seventy percent chance of surviving more than ten years, and be able to be maintained without excessive threat to the public health, safety and welfare.

B. *Additional Criteria.* Landmark trees shall meet at least one of the following additional criteria:

1. Possesses special beauty, or horticultural or historic interest;
2. Is of such substantial size or prominence that it has significant visibility from city streets, parks or open space;
3. Is of such substantial size that it makes a significant contribution to the forested skyline of the city;
4. Is a rare or unusual species for this area;
5. Is a particularly outstanding representative of the species.

C. The designation or removal of such designation of landmark trees pursuant to this section shall be by resolution of the planning commission. The tree committee shall review nominations for landmark tree and landmark tree stand designations and removal of such designation and make recommendations to the planning commission for final action upon such designations. Prior to review of designation or removal of such designation of landmark trees by the tree committee and the planning commission, the owner of the property or the city council, in the case of trees on city property or right-of-way, and owners of property adjacent to the trees proposed for designation shall be provided with ten days' written notice of the action under consideration and the opportunity to provide comments on the proposed designation or removal of such designation; said period for

comments to the tree committee or planning commission shall be extended upon good cause being provided to the community development director or designee.

D. *Landmark Tree Map.* The location of all designated landmark trees and all designated landmark tree stands shall be shown on one or more drawings or maps maintained by the city manager or designee. (Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

17.62.080 Fees relating to landmark trees.

No fee or charge shall be assessed against any member of the public for any application or appeal regarding the designation of landmark trees or landmark tree stands or for the removal of such designation except an owner of property upon which the tree or trees are located when such application or appeal is associated with an application for use or development under the subdivision or zoning ordinance. (Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

17.62.090 Tree committee.

The committee members shall be appointed and the committee shall operate according to Chapter [2.12](#) and in the following prescribed manner:

- A. The committee shall be established and appointed by the city council for a term of two years by a majority vote of the city council upon a recommendation from the planning commission.
- B. The committee shall consist of five members plus one alternate as follows:
 - 1. *Members 1 through 3.* At least three committee members shall be members of the public-at-large. One public-at-large member may reside outside the city. All other public-at-large members shall be residents of the city. All public-at-large members should preferably have a background, or some knowledge, of planning, landscaping, and/or trees, or any related field.
 - 2. *Member 4.* One committee member shall be a member of the site and architectural review board.
 - 3. *Member 5.* One member of the committee shall be a member of the planning commission.
 - 4. *Alternate.* The alternate committee member shall be a member of the planning commission.
- C. A quorum shall consist of any three members of the committee.
- D. The committee shall not include more than one member of any firm.
- E. The committee shall yearly appoint a chairman and vice-chairman. Term of chair shall not exceed two successive years. Elections shall be held every January. The chair shall preside at all meetings of the committee,

make appointments to any subcommittees and shall perform all the duties necessary or incidental to the office. The vice-chair shall serve as chair in the absence or inability of the chair to serve.

F. The committee shall meet regularly to:

1. Review required tree removal permit application materials and provide recommendation to staff or to the planning commission on removal, mitigation measures, and conditions of approval;
2. Review landmark tree designation proposals and provide recommendation to the planning commission;
3. Review projects for consistency with tree preservation ordinance;
4. Review and possibly prepare lists of preferred species for street trees and trees to be included in required landscape plans; and
5. Support purpose and intent of the tree ordinance. (Ord. 2024-04 § 3, 2024; Ord. 2020-07 § 2, 2020; Ord. 2006-19 § 1, 2006)

The Marina Municipal Code is current through Ordinance 2024-11, passed November 19, 2024.

Disclaimer: The city clerk's office has the official version of the Marina Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: cityofmarina.org](http://cityofmarina.org)

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