CITY OF HERMOSA BEACH

CLAIM REPORTING FORM FOR ALL PERSONS OR PROPERTY

FILE WITH: City Clerk's Office
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

RESERVE FOR FILING STAMP

DEPT. NO._____

RECEIVED
MAY 01 2024
HERMOSA BEACH CITY CLERK

INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2)
2. Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2)
3. Read entire claim form before filing.
4. See page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details.

Name of Claimant
Kaaren Lee Brown

The following information is required by the Federal government for all claims of personal injury: Social Security Number: [redacted]

Date of Birth: 4-16-1961

Home Address Of Claimant 1064 9th Street, Hermosa Beach, CA 90254	Occupation of Claimant TV Writer/Producer
Business Address of Claimant	Home Telephone Number (310) 991-9707
Give address and telephone number to which you desire notices or communications to be sent regarding this claim. 1064 9th Street, Hermosa Beach 90254; (310) 991-9707	Business Telephone Number ( )
Date of Damage/Loss/Injury January 9, 2024	Time A.M. P.M.

Place of Damage/Loss/Injury
1064 9th Street, Hermosa Beach, CA 90254

How did damage/loss/injury occur? (Be specific) As part of a Capitol Improvement project, the City of Hermosa Beach Public Works Department came onto my property and used chain saws to brutally tear up the roots of my Magnolia Tree - damage that was avoidable and unnecessary and may result in the death of the tree.

Were Police at scene?	Yes ☐	No ☒	Report No.
Were Paramedics at scene?	Yes ☐	No ☒	

What particular act or omission do you claim caused the damage/loss/injury.
The City has an Arborist, but failed to consult with him prior to allowing city workers to use chain saws to cut through the tree roots of my Magnolia tree. Nor was I informed prior to the work that the city intended to cut through the roots as part of the capitol improvement project. As the Arborist post-incident report indicates, Magnolia trees do not compartmentalize root wounds well. The City could have minimized the damage by consulting with their Arborist and following his guidance for root pruning (which at a minimum should not have been done with chainsaws).

Name of City employee(s) causing the damage/loss/injury:
City engineer German Alvarez was the project leader. I do not have the names of the individual workers who caused the damage.

The amount claimed, as of the date of presentation of this claim, is computed as follows: (please attach estimates/receipts)

PLEASE REMEMBER TO SIGN CLAIM FORM

Damages incurred to date (exact):

Expenses for medical and hospital care ..... $_____
Loss of earnings ..... $_____
Special damages for..... $_____
General damages..... $_____
Total damages incurred to date..... $_____

Estimated expenses for medical and hospital care

Future expenses for medical and hospital care ..... $_____
Future loss of earnings ..... $_____
Other prospective special damages..... $ 100,000.00
Prospective general damages $ 100,000.00
Total estimate prospective damages..... $ 200,000.00

WITNESSES to DAMAGE or INJURY: LIST ALL PERSONS and addresses of persons known to have information:

Name Gregory Mink, Arborist Address GregoryCMink@gmail.com Phone 408-348-3351

Name Saad Malim, Senior Engineer Address 1315 Valley Dr., Hermosa Beach, CA 90254 Phone 310-318-0268

Name _____ Address _____ Phone _____

DOCTORS and HOSPITALS:

Hospital _____ Address _____ Date Hospitalized _____

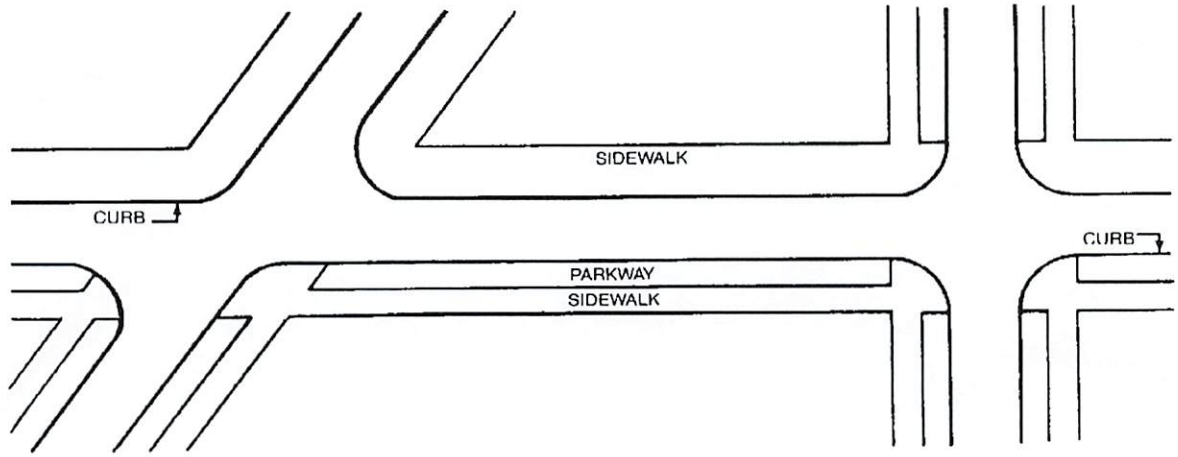
Doctor _____ Address _____ Date of Treatment _____

Doctor _____ Address _____ Date of Treatment _____

READ CAREFULLY

For all accident claims place on following diagram names of streets, including North, East, South, and West; indicate place of accident by "X" and showing house number or distances to street corners. If City vehicle was involved, designate by letter "A" location of City vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City vehicle; location of City vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Signature of claimant or person filing on his behalf giving relationship to Claimant:	Typed Name:	Date:
Kaaren Lee Brown	Kaaren Lee Brown	May 1, 2024

YOUR CLAIM WILL BE PLACED ON A CITY COUNCIL AGENDA FOR ACTION BY THE CITY COUNCIL. YOUR CLAIM WILL BE IN THE PUBLIC DOMAIN; CLAIM FORMS ARE PUBLIC RECORDS; CITY COUNCIL AGENDAS ARE POSTED ON THE CITY'S WEBSITE; THE MEETING AT WHICH YOUR CLAIM WILL BE CONSIDERED IS BOTH CABLECAST AND STREAMED LIVE OVER THE INTERNET; MINUTES OF THE MEETING WILL REFLECT THE ACTION TAKEN ON YOUR CLAIM AND ARE POSTED ON THE CITY'S WEBSITE.

PLEASE REMEMBER TO SIGN CLAIM FORM

Arborist Report

Southern Magnolia near Crosswalk Realignment

1064 9th Street

Hermosa Beach, CA 90254

Prepared for

Hermosa Beach Public Works Department

Prepared by

Gregory Mink

Mink Tree Consulting

ISA Board Certified Master Arborist WE-10155B

408-348-3351

gregorycmink@gmail.com

Summary

On January 9, 2024, the City of Hermosa Beach Public Works Department contacted me to provide consultation and a report regarding the impacts of a Capital Improvement Project on a tree on the adjacent private property at 1064 9th street. On January 10, 2024 at 1:30 P.M. I performed an onsite consultation. The Capital Improvement Project for this site included a new ADA-compliant curb ramp and sidewalk realignment at the southwest corner of the intersection. There is a Southern Magnolia on private property near the work area that is likely to be impacted. I observed many small roots that had already been severed approximately twenty feet from the trunk of the tree. Based on the work performed, there is no impact on the stability of the tree. There is a slight risk of negative impacts on the health of the tree from root loss. I offer mitigation strategies to preserve tree health below.

Assignment

1. Perform a site visit to assess current health status of the tree
2. Assess impacts from root pruning
3. Provide recommendations for the management of the tree

Gregory Mink
WE-10155B

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www.MinkTreeConsulting.com

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Site Description

The proposed project is at the southwest corner of 9th Street and Prospect Ave. The existing sidewalk and curb ramp are being adjusted to make them ADA-compliant. There is a Southern Magnolia (*Magnolia grandiflora*) on private property at 1064 9th Street near the project site. The project is to replace the existing sidewalk with new sidewalk. There is some excavation on either side of the sidewalk.

Figure 1. Aerial View of Site

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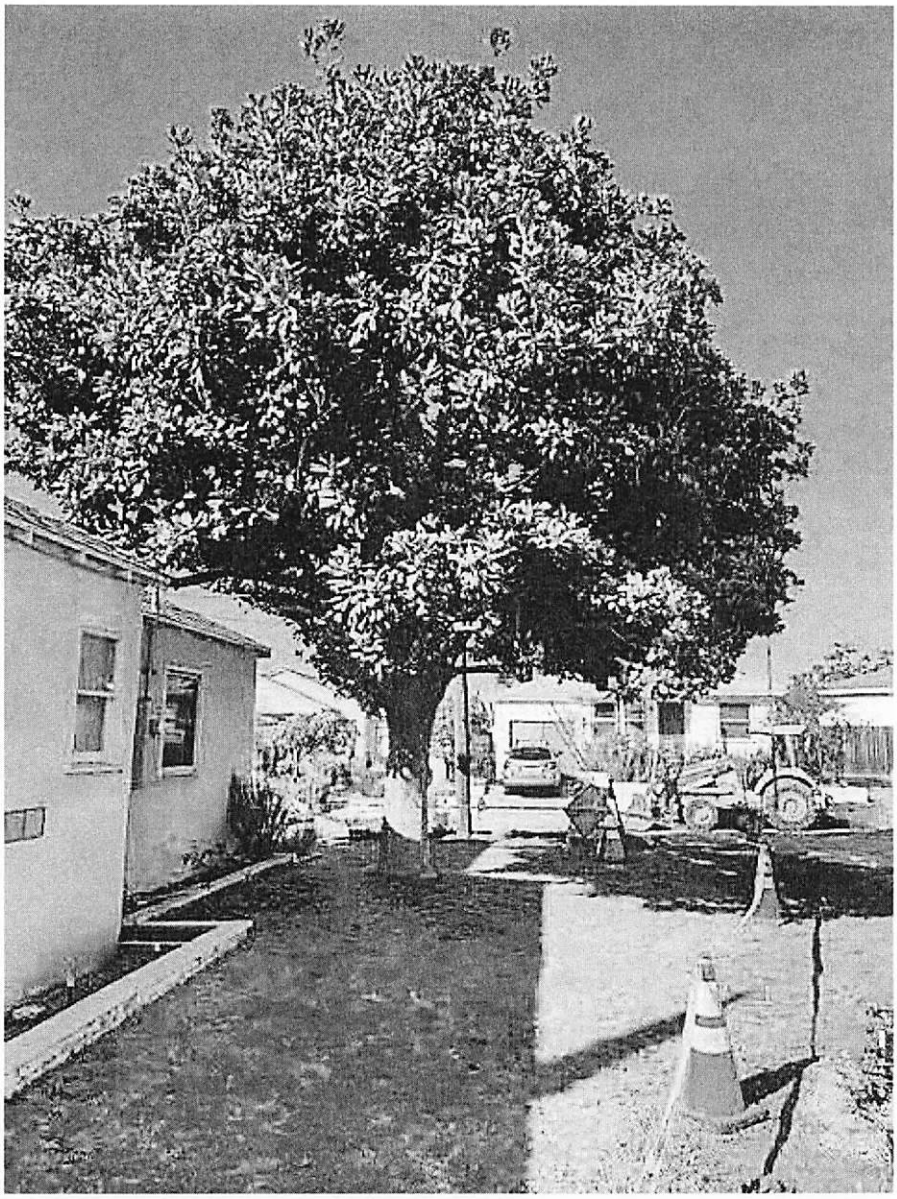
Figure 2. Street View



Tree Condition

There is one Southern Magnolia in the project area. My observations from the January 10, 2024 site visit are:

Table 1. Observations of Tree 1

Tree #	1
Species	Southern Magnolia
Diameter at breast height	21"
Height	Approximately 25'
Condition	4 (Good)
Pests	None
Structural	None

The tree is in good condition with no signifcant dieback in crown. The tree is planted about 6' from the house, and 16'-20' from the sidewalk. There are no signs of pest or disease. There is a history of "tree-shaping" pruning, leading to many epicormic shoots. Additionally, there are gridling roots around the entire circumference of the basal stem.

I reviewed the "Relative Tolerance of Selected Species to Development Impacts" (Matheny & Clark, 1998) (see Appendix B) to determine the relative tolerance to root disturbance. *Magnolia grandiflora* is listed in the guide, and is rated as "Poor or Good" depending on site conditions. The authors of the book explain that the tolerance of this species is good in its native range, but poor when outside of its native range. Given that the project site is in coastal Southern CA, this tree will be rated as "poor" tolerance to root disturbance. Magnolia trees do not compartmentalize root wounds well.

The tree is in good health based on the lack of dieback. I used the "Guidelines for optimal tree preservation zones for trees of average to excellent vigor" (Matheny & Clark, 1998) to determine the number of feet radius per inch of tree diameter (See Appendix C).

The roots had already been pruned at the time I viewed the tree. Many roots less than .75" diameter had been cut to excavate around the sidewalk. Two 1" diameter roots had also been cut.

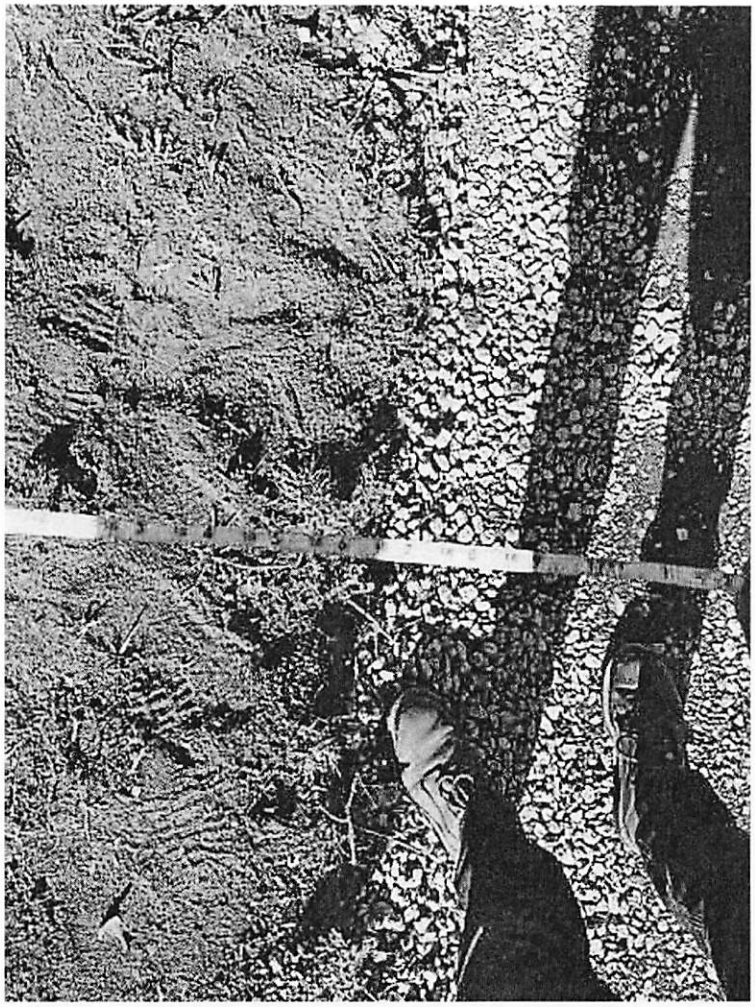
I compiled the data from these worksheets into Table 2 below:

Table 2. Optimal and available root protection zones

	Tree 1
Condition	Good
Species tolerance	Poor
Relative Tree Age	Mature
Distance from trunk ft/in DBH) for ideal root protection	1.25'
Diameter at breast height	21"
OPTIMAL root protection radius	26.25'

Figure 3. Fine roots severed in the project area

Figure 4. Minimum distance from trunk to sidewalk cut



Discussion of Root Pruning

The optimum tree protection zone to minimize health impacts on the tree is 26.25'. In some portions of this project site, fine roots had been severed 16.5' from the trunk. In most portions of the root zone, the roots had been severed approximately 20' from the trunk. Work was conducted in approximately one quarter of the circumference of the tree.

The size of roots cut and their distance from the trunk will not impact the stability of the tree

The long-term health of the tree may be affected due to diminished water uptake capacity and entrance wounds for disease. Southern magnolia is known as a weak compartmentalizer, meaning the tree does not quickly "seal off" mechanical wounds. I used a sharp handsaw to make cleaner cuts on the two larger (1" diameter) roots severed in the work area because clean wounds compartmentalize more quickly than ragged wounds do.

Recommendations

1. Perform phosphorous soil treatment to help tree resist infection by pathogens
2. Remove girdling roots in one quarter of the circumference of the trunk
3. Re-inspect tree in 6-12 months to assess for changes in health

Gregory Mink
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Works Cited

1. Manthey, Nelda and Clark, James. *Trees and Development. A Technical Guide to Preservation of Trees During Land Development.* International Society of Arboriculture. 1998

Appendix A. "Assessment of relative conditions of trees in individual tree survey." (Matheny & Clark, 1998)

Table 5.2 Assessment of relative condition of trees in individual tree survey.

	Factors considered[1]					
Condition rating	**Overall vigor**	**Canopy density**	**Amount of deadwood**	**History of failure**	**Pests**	**Extent of decay**
1	Severe decline	< 20%	Large; major scaffold branches	More than one scaffold	Infested	Major—conks and cavities
2	Declining	20–60%	Twig and branch dieback	Scaffold branches	Infestation of significant pests	One to a few conks; small cavities
3	Low	60–90%	Small twigs	Small branches	Minor	Present at pruning wounds
4	Good	90–100%	Little or none	None	Minor	Present at pruning wounds
5	Excellent	100%	None	None	None, or insignificant	Absent

[1]Application may vary slightly with age and species of tree.

Appendix B "Relative Tolerance of Selected Species to Development Impacts" (from Matheny & Clark, *Trees and Development*)

Common name	Scientific name	Relative tolerance[1]	Comments	Source
California black walnut	*Juglans hindsii*	Poor	Dies slowly following even minor root injury or changes to water table. Crown reduction pruning may be fatal. Requires tree protection zone at or beyond the dripline.	Matheny & Clark
Black walnut	*Juglans nigra*	Poor-moderate	Intolerant of root loss. Intermediate tolerance to saturated soils. Intolerant of mechanical injury (poor compartmentalization). Response constrained by soil aeration and water availability.	Hightshoe, Sydnor
English walnut	*Juglans regia*	Poor	Usually grafted onto California black walnut stock.	Matheny & Clark
Rocky Mountain juniper	*Juniperus scopulorum*	Poor	Sensitive to root pruning and fill soil. Likely to decline following grade change and loss of roots. Very susceptible to borers when stressed.	Day
Eastern red cedar	*Juniperus virginiana*	Good	Tolerant of root loss. Intolerant of saturated soils. Intolerant of mechanical injury.	Coder, Hightshoe, Sydnor
Mountain laurel	*Kalmia latifolia*	Good	—	Coder
Tamarack	*Larix laricina*	Moderate	Tolerant of root loss and saturated soils.	Hightshoe
Sweetgum	*Liquidambar styraciflua*	Poor-good	Intermediate response to fill and root injury. Breadth of tolerance may be due to pre-existing site conditions and within species variation.	S. Clark, Coder, Matheny & Clark, Sydnor
Tuliptree	*Liriodendron tulipifera*	Moderate	Intolerant of root pruning. Sensitive to wounding.	Fraedrich, Sydnor
Tuliptree	*Liriodendron tulipifera*	Poor	Intolerant of mechanical injury (poor compartmentalization). Response constrained by soil aeration and water availability.	Coder
Cucumbertree	*Magnolia acuminata*	Moderate	Intolerant of mechanical injury (poor compartmentalization).	Coder
Fraser magnolia	*Magnolia fraseri*	Poor	Intolerant of mechanical injury (poor compartmentalization). Limited tolerance to microclimate change. Tolerance greatest within native range.	Coder
Southern magnolia	*Magnolia grandiflora*	Poor or good	Response dependent upon location: good within native range; poor outside it. In California, it declines following root injury and site disturbance.	Matheny & Clark, Sydnor
Southern magnolia	*Magnolia grandiflora*	Moderate	Intolerant of mechanical injury (poor compartmentalization).	Coder
Pyramid magnolia	*Magnolia pyramidata*	Poor	Intolerant of mechanical injury (poor compartmentalization). Limited tolerance to microclimate change. Tolerance greatest within native range.	Coder
Sweet bay	*Magnolia virginiana*	Good	Tolerant of saturated soils.	Coder, Sydnor
Apples	*Malus* spp.	Moderate	—	Gilbert
Southern crabapple	*Malus angustifolia*	Moderate	Intolerant of mechanical injury (poor compartmentalization). Limited tolerance to microclimate change. Tolerance greatest within native range. Pest problems associated with development impacts.	Coder

[1]Assigned either by source or by Matheny and Clark.

Appendix C. Guidelines for optimal tree preservation zones for trees of average to excellent vigor (Manthey & Clark. *Trees and Development*)

Table 6.2 Guidelines for optimal tree preservation zones for trees of average to excellent vigor (modified from the British Standards Institute 1991). Refer to Appendix B for species tolerance.

Species tolerance	Tree age	Distance from trunk feet (per inch trunk diameter)
Good	Young (<20% life expectancy)	0.5'
	Mature (20–80% life expectancy)	0.75'
	Overmature (>80% life expectancy)	1.0'
Moderate	Young	0.75'
	Mature	1.0'
	Overmature	1.25'
Poor	Young	1.0'
	Mature	1.25'
	Overmature	1.5'