



## Bill Spiewak

CONSULTING ARBORIST

Registered Consulting Arborist #381 • American Society of Consulting Arborists

### **ARBORISTS FIELD REPORT - RE: 8120 Puesta Del Sol, Rincon Pt, CA**

*Prepared for:*

Neal Maguire-Attorney -Ferguson, Case, Orr, Patterson LLP  
1050 South Kimball Rd.  
Ventura, CA 93004  
805.659.6800 ext. 217 / nmaguire@fcoplaw.com

March 5, 2021

#### **BACKGROUND**

The owners of the subject property are planning to replace their existing deteriorating asphalt driveway with new hardscape. The adjacent neighbor (Mr. White) to the west is concerned about impacts to his cypress tree from this repair. In an effort to evaluate any impacts, I had recommended carefully digging an exploratory trench to look for roots that may be damaged from the project. I was on the site during January 4, 2021 to participate in this exploration.

#### **OBSERVATIONS**

1. Two separate trenches were carefully excavated to a depth of 8"-11" below the existing asphalt surface after jack hammering a narrow line through the asphalt (less than 6" wide). The moist soil was removed.
2. The trenches ran north and south, perpendicular to the edge of the road to the house.
3. The first trench was excavated 27' east of the property line between the neighbors. Approximately a dozen roots were observed, 1/16" in diameter and less.
4. The second trench was excavated 11' east of the property line to a similar depth. I observed a similar quantity and diameter of roots in this trench plus one 3/4" root.
5. The neighbor, Mr. White, was present at the time and can confirm these findings.
6. Upon completion and discussing my findings with Mr. White, the trenches were backfilled.

#### **THE NEW PROJECT**

7. The proposed plan will require removal of all the asphalt, except for inside the trash enclosure.
8. An 18' wide section between the east and western property lines will consist of 5" thick aggregate concrete over 4" of compacted aggregate base.
9. The areas between the property lines and the concrete drive will be covered with Mexican pebbles and concrete pavers set on grade.
10. A new 6' fence will be installed along the eastern and western property lines. It will be supported by posts set 22.5" into the ground and held in place with concrete in 9" diameter holes. The trash enclosure fence will be refaced but the existing posts will remain.

## CONCLUSIONS & BRECOMMENDATIONS

- Due to the sandy soil and the high moisture, most roots are much deeper than immediately below the asphalt layer, especially further from the trunk .
- There will be no impact to the tree from removal of the asphalt and construction of the new concrete driveway.
- Demolition of the asphalt should be done with a breaker and the debris manually removed.
- Excavation for fence posts should be manually dug while looking for large diameter roots. In the event large roots are encountered (greater than 1" in diameter) the hole should be adjusted to avoid or minimize damage.
- The project arborist should monitor the activities within the dripline the adjacent cypress tree.
- Refer to the driveway plan for more details.

Please contact me with any questions.

Prepared by: Bill Spiewak

Bill Spiewak  
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Qualified Tree and Shrub Appraiser

Board Certified Master Arborist #310B  
International Society of Arboriculture  
Qualified Tree Risk Assessor





First trench 27' to east of property line.



Second trench 11' to east of property line.





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Neal Maguire-Attorney -Ferguson, Case, Orr, Patterson LLP  
1050 South Kimball Rd.  
Ventura, CA 93004  
805.659.6800 ext. 217 / nmaguire@fcoplaw.com

August 6, 2021

### **BACKGROUND**

The owners of the subject property are planning to replace their existing deteriorating asphalt driveway with new hardscape. The adjacent neighbor (Mr. White) to the west is concerned about impacts to his cypress tree from this repair. In an effort to evaluate any impacts, I had recommended carefully digging an exploratory trench to look for roots that may be damaged from the project. I was on the site during January 4, 2021 to participate in this exploration.

### **OBSERVATIONS**

1. Two separate trenches were carefully excavated to a depth of 8"-11" below the existing asphalt surface after jack hammering a narrow line through the asphalt (less than 6" wide). The moist soil was removed.
2. The trenches ran north and south, perpendicular to the edge of the road to the house.
3. The first trench was excavated 27' east of the property line between the neighbors. Approximately a dozen roots were observed, 1/16" in diameter and less.
4. The second trench was excavated 11' east of the property line to a similar depth. I observed a similar quantity and diameter of roots in this trench plus one 3/4" root.
5. The neighbor, Mr. White, was present at the time and can confirm these findings.
6. Upon completion and discussing my findings with Mr. White, the trenches were backfilled.

### **THE NEW PROJECT (based on revised drawing dated 5-14-2021)**

7. The proposed plan will require removal of all the asphalt.
8. An 18' wide section between the east and western property lines will consist of 5" thick aggregate concrete over 4" of compacted aggregate base.
9. The areas between the property lines and the concrete drive will be covered with Mexican pebbles and concrete pavers set on grade.
10. **A new 3' and 6' fence** will be installed along the eastern and western property lines. It will be supported by posts set 22.5" into the ground and held in place with concrete in 9" diameter holes.

## CONCLUSIONS & RECOMMENDATIONS

### ***Subsurface Inspection***

I monitored the subsurface work and determined the following:

- Due to the sandy soil and the high moisture, most roots are much deeper than immediately below the asphalt layer, especially further from the trunk.
- There will be no impact to the tree from removal of the asphalt and construction of the new concrete driveway.
- Demolition of the asphalt should be done with a breaker and the debris manually removed.

### ***Fence Post Installation***

- In construction of the proposed fencing, existing fence post holes to be used where feasible.
- Where existing fence holes cannot be used, arborist to determine the location to avoid critical roots.
- Excavation for fence posts to be dug manually while inspecting for large diameter roots.
- In the event large roots are encountered (greater than 1" in diameter) the hole location to be adjusted to avoid damage to the root.
- If necessary, the proposed fence to cantilever over critical root zones.

### ***Tree Pruning***

- No pruning shall be performed for this project.

### ***Project Monitoring***

- During all inspection and construction, the arborist to monitor the work, including the activities within the dripline of the adjacent cypress tree, and specifically any work discussed above.
- Monitoring to include subsurface grading, trenching and all construction activities until the proposed work is complete.
- Monitoring/Inspection reports to be provided upon completion of demolition, upon completion of digging for fence post holes, and prior to pouring of concrete driveway and concrete footings for fence posts.
- Monitoring/Inspection reports to be submitted to the County Planning Division for review.

Please contact me with any questions.

Prepared by: Bill Spiewak  
Bill Spiewak  
Registered Consulting Arborist #381  
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Qualified Tree and Shrub Appraiser

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International Society of Arboriculture  
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First trench 27' to east of property line.



Second trench 11' to east of property line.





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## ARBORIST'S MEMO-RE: Greg and Michelle Elliot 8120 Puesta Del Sol

I was recently accused by the Whites of failing to fully investigate and address the root locations between the White property and the Elliots in my 6-8-21 report. The paragraph below is from the complaint issued by the Whites.

*"The arborist who submitted the latest tree report failed to fully investigate and describe the potential impacts of the project changes on the fence line between the Elliott and White properties. Apparently, the arborist failed to notice the large four-inch root (from cypress tree #3) (Exhibit 11) that runs over the ground surface, extends under fence between the properties and under the Elliott house into the leach field area."*

Please note that my 6-8-21 report addressed the landscape work in the front of the property. Mr. White is referring to root growth at the rear from a tree that is not close to the landscape work in the front.

Furthermore, the specifications in that report regarding placement of holes for fence posts and plants can be applied to any work done along the western property line. It is my experience that the Elliott's are complying with every aspect of my recommendations from the start of this project.

At the time of one of my inspections, I engaged with Mr. White in a positive discussion. It seems that I was fooled by his sincerity. I suggest that the County of Ventura require Mr. White to retain his own arborist that he can trust to help him understand the insignificant impacts posed by the work being done on the Elliott's property.

Signed: Bill Spiewak  
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