



Neighborhood Notification

Open House Information

Citizen Comments

Affidavit of Posting

Site Sign

Legal Protest

Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, October 06, 2021 3:22 PM
To: John Graber; Walter, Holly
Subject: RE: Senior Planner Jesus Murillo

Hello Mr. Graber,

Please follow this link and you will be able to see the hearing in full. I do not think I can do the DRB's comments justice. This will let you hear straight from them (click the item in the agenda, and it will send you straight to that portion of the hearing:

[Development Review Board \(granicus.com\)](https://granicus.com)

Jesús

From: John Graber <jgraber@timespublications.com>
Sent: Wednesday, October 06, 2021 2:09 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; Walter, Holly <HWalter@Scottsdaleaz.gov>
Subject: Re: Senior Planner Jesus Murillo

⚠ External Email: Please use caution if opening links or attachments!

Jesus,

Can you please tell me what the [Development Review Board's](#) reasoning was in denying the request. I am writing on [deadline today](#). Thank you.

Regards,

J. Graber.
Staff Reporter Times Media Group
timespublications.com
480-898-5682



On Tue, Oct 5, 2021 at 2:15 PM John Graber <jgraber@timespublications.com> wrote:

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Thank you for your response. Can you please tell me what the [Development Review Board's](#) reasoning was in denying the request.

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On Mon, Oct 4, 2021 at 7:07 PM Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Hello Mr. Graber,

The Development Review Board voted to deny the applicant's request to replace 670 Sisso trees with Evergreen/Chinese Elm. Due to the denial, the applicant has now asked the City Council to appeal/reconsider the Development Review Board's decision.

In an appeal, staff usually presents the case material, reference the Development Review Board's decision, and references the applicant's appeal to the City Council. This hearing is scheduled to take place on November 9, 2021.

It is the Development Review Board's decision "to deny" the replacement of the Sisso trees that will be discussed at that hearing. I hope this helps.

Sincerely,

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From: John Graber <jgraber@timespublications.com>
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Subject: RE: Senior Planner Jesus Murillo

His number is 480-312-7849. I've copied him on this inquiry.

Happy Friday!

Holly

From: John Graber <jgraber@timespublications.com>
Sent: Friday, October 01, 2021 12:45 PM
To: Corsette, Kelly <KCorsette@scottsdaleaz.gov>; Walter, Holly <HWalter@Scottsdaleaz.gov>
Subject: Senior Planner Jesus Murillo

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480-898-5682



Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, October 04, 2021 7:08 PM
To: John Graber
Cc: Walter, Holly; Corsette, Kelly
Subject: RE: Senior Planner Jesus Murillo

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Jesus,

Can you please give me some insight into the city's role with the Sisso tree scenario in DC Ranch? Thank you.

Regards,

J. Graber.
Staff Reporter Times Media Group
timespublications.com
480-898-5682



On Mon, Oct 4, 2021 at 1:26 PM John Graber <jgraber@timespublications.com> wrote:
Jesus?

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Murillo, Jesus

From: Murillo, Jesus
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Cc: Corsette, Kelly
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480-898-5682



Murillo, Jesus

From: La Porte, Tom <laportet@stifel.com>
Sent: Thursday, September 23, 2021 9:46 AM
To: Murillo, Jesus
Subject: RE: [EXTERNAL] 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Thank you Jesus. Hope all is well with you.

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

STIFEL | Rule 2 Advisors

Visit our team website at:
www.Rule2Advisors.com

From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Wednesday, September 22, 2021 6:00 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>; Curtis, Tim <tcurtis@scottsdaleaz.gov>
Subject: [EXTERNAL] 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Hello Everyone,

I wanted to provide an update on this case, as there has been a new development.

The City Clerk has received an appeal to the Development Review Board's decision on this case. The appeal will be heard by the City Council to consider the DRB's decision as per ordinance. The tentative day for the hearing is November 9, 2021.

I will contact everyone with more information and a date confirmation as soon as I have that information.

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!



This message, and any of its attachments, is for the intended recipient(s) only, and it may contain information that is privileged, confidential, and/or proprietary and subject to important terms and conditions available at <http://www.stifel.com/disclosures/emaildisclaimers/>. If you are not the intended recipient, please delete this message and immediately notify the sender. No confidentiality, privilege, or property rights are waived or lost by any errors in transmission.

Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, September 22, 2021 6:33 PM
To: rclo@arizonarepublic.com
Cc: Corsette, Kelly
Subject: RE: Sissoo trees replacement

Hello Renata,

I have responded below.

From: Correa Clo, Renata <rclo@arizonarepublic.com>
Sent: Wednesday, September 22, 2021 4:55 PM
To: Corsette, Kelly <KCorsette@scottsdaleaz.gov>
Subject: FW: Sissoo trees replacement

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Kelly,

I sent this email to Jesus on Monday and have since been able to get some more information from the parties involved in this dispute, which answered my question.

However, I need to confirm some of that information with the city. Would you be able to look into these questions and get me an answer, please?

- An Arcadia neighbor told me the HOA had started removing some trees earlier this year and had to stop after a resident reported the association to the city. Does the city have any record of the DC Ranch HOA being reported for removing trees?

Staff does not have record of the HOA removing trees, but it was a communication from a resident that prompted staff contact the HOA to understand what the HOA was planning for the community's landscaping.

- A representative with the HOA told me they have filed an appeal with the city regarding the Development Review Board's decision and the city council is scheduled to discuss the issue in November. I checked the planned agendas but didn't see any mention of this case. Do you have an idea of when the city council will discuss this issue?

Yes, Staff received a letter of appeal from the HOA's representative. Staff has the tentative date of November 9, 2021. Staff is looking to confirm this date, then the date will be finalized in an agenda.

- Also, there is a person hired by the HOA making the argument that this issue is not under the city's purview and by denying their application, the city could be hold liable if any damages related to these trees occur. They argue the courts and the Arizona Department of Real Estate would be the correct forums to handle the issue. What's the city attorney's opinion in regards to this case application?

Staff is not aware that the HOA or a resident has retained anyone to apply that argument. Staff has had a resident make the comment in a communication. The City attorney would have to be contacted for their opinion. I don't know if the City Attorneys' office would provide an opinion as there has not been a formal challenge, and the City Attorney's Office does not usually provide opinions outside a formal response. I would direct that question to that department.

As always, I appreciate your help.

Best,

Renata

From: Correa Clo, Renata

Sent: Monday, September 20, 2021 4:25 PM

To: JMurillo@ScottsdaleAz.Gov

Cc: Corsette, Kelly <KCorsette@scottsdaleaz.gov>

Subject: Sissoo trees replacement

Hello Murillo,

I don't think we have connected yet. I'm the Scottsdale beat reporter for The Arizona Republic.

I'm reaching out because I'm interested in doing a story about the tree replacement proposal at DC Ranch. I understand the HOA's application with the DRB was denied and I was wondering if there is any steps moving forward the HOA could take to try and get approval for replacing those trees. And if so, has the HOA taken any of those steps yet?

I appreciate you answering these questions. I have also copied Kelly Corsette here in case I should reach out to someone else about this topic.

Thank you,

Renata Cló

Scottsdale Watchdog Reporter

azcentral.

azcentral | The Arizona Republic

PART OF THE USA TODAY NETWORK

@renataclo

480-267-4703

rclo@arizonarepublic.com

Murillo, Jesus

From: Kelley White <kswalshwhite@gmail.com>
Sent: Wednesday, September 22, 2021 6:08 PM
To: Murillo, Jesus
Cc: Carr, Brad; Curtis, Tim
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)
Attachments: image001.png

⚠ External Email: Please use caution if opening links or attachments!

Very much appreciate the notice!!

Thank you!!

Kelley White

On Wed, Sep 22, 2021, 9:00 PM Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Hello Everyone,

I wanted to provide an update on this case, as there has been a new development.

The City Clerk has received an appeal to the Development Review Board's decision on this case. The appeal will be heard by the City Council to consider the DRB's decision as per ordinance. The tentative day for the hearing is November 9, 2021.

I will contact everyone with more information and a date confirmation as soon as I have that information.

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo

Senior Planner

City of Scottsdale

Planning and Development Services

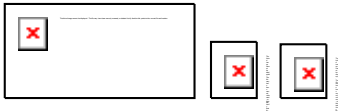
7447 E. Indian School Road, Ste. 105

Scottsdale, AZ 85251

Phone: 480-312-7849

Fax: 480-312-9037

Get informed!



Murillo, Jesus

From: Steve Gray <stevegray@grayventurepartners.com>
Sent: Wednesday, September 22, 2021 6:05 PM
To: Murillo, Jesus
Cc: Carr, Brad; Curtis, Tim
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Thank you for letting me know, Mr. Murillo ...

The HOA has consistently heard from the residents "we do not want you to remove the trees, we want you to maintain them ...". They did not like that message and kept moving with their plan. Then the DRB (7 – 0), said work with the residents and come back with a mutually agreeable plan. Instead, they decided to appeal.

Apparently, no does not mean no ...

Regardless, thank you for your courteous, thoughtful and frequent communications.

All the best,

Steve

From: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Date: Wednesday, September 22, 2021 at 8:00 PM
To: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Cc: "Carr, Brad" <bcarr@scottsdaleaz.gov>, "Curtis, Tim" <tcurtis@scottsdaleaz.gov>
Subject: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Fax: 480-312-9037

Get informed!



Murillo, Jesus

From: Corsette, Kelly
Sent: Wednesday, September 22, 2021 5:09 PM
To: Murillo, Jesus
Subject: FW: Sissoo trees replacement

Hello Jesus,

Please see below – do we have information responsive to these questions?

The third bullet seems to require legal review, but I'm not sure who is handling planning's legal matters these days – Joe Padilla?

Thanks,
Kelly

From: Correa Clo, Renata <rclo@arizonarepublic.com>
Sent: Wednesday, September 22, 2021 4:55 PM
To: Corsette, Kelly <KCorsette@scottsdaleaz.gov>
Subject: FW: Sissoo trees replacement

 **External Email: Please use caution if opening links or attachments!**

Kelly,

I sent this email to Jesus on Monday and have since been able to get some more information from the parties involved in this dispute, which answered my question.

However, I need to confirm some of that information with the city. Would you be able to look into these questions and get me an answer, please?

- An Arcadia neighbor told me the HOA had started removing some trees earlier this year and had to stop after a resident reported the association to the city. Does the city have any record of the DC Ranch HOA being reported for removing trees?
- A representative with the HOA told me they have filed an appeal with the city regarding the Development Review Board's decision and the city council is scheduled to discuss the issue in November. I checked the planned agendas but didn't see any mention of this case. Do you have an idea of when the city council will discuss this issue?
- Also, there is a person hired by the HOA making the argument that this issue is not under the city's purview and by denying their application, the city could be held liable if any damages related to these trees occur. They argue the courts and the Arizona Department of Real Estate would be the correct forums to handle the issue. What's the city attorney's opinion in regards to this case application?

As always, I appreciate your help.

Best,

Renata

From: Correa Clo, Renata
Sent: Monday, September 20, 2021 4:25 PM

To: JMurillo@ScottsdaleAz.Gov

Cc: Corsette, Kelly <KCorsette@scottsdaleaz.gov>

Subject: Sissoo trees replacement

Hello Murillo,

I don't think we have connected yet. I'm the Scottsdale beat reporter for The Arizona Republic.

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azcentral.

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Renata Cló
Scottsdale Watchdog Reporter

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480-267-4703
rclo@arizonarepublic.com

Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 30, 2021 6:41 PM
To: Rick Randall
Cc: City Manager Mailbox; Stockwell, Brent; Murphy, Bill; Stephen Koven
Subject: RE: Arcadia Sissoo Trees

Hello Mr. Randall,

Thank you for your inquiry regarding the recent Development Review Board meeting. Please note that the Development Review Board ("DRB") is a board of citizens appointed by the City Council to hear certain matters including the recent one involving Arcadia Silverleaf. Although the Board has one rotating City Council Member as its chair, the Board is not the City Council. In fact, there are procedures which provide for the Board's decision to be appealed to the City Council. Therefore, it is possible that the decision may be reviewed by the City Council. As far as the information relied upon, I am not in a position to speak for the DRB but I can tell you that records of the DRB agenda including a video of the proceedings are available online.

The City does not typically take on the responsibility for maintenance related to private property such as the common elements of the Arcadia Silverleaf area. I suggest that you consult with the D.C. Ranch Association. The recent decision by the DRB, even if not appealed, was for the narrow question of whether the proposed Chinese Elm trees were an appropriate replacement for the previously approved Sisso trees. This decision does not necessarily foreclose other avenues that may be available to the Association regarding maintenance of the property or the existing trees.

Sincerely,

Jesús

From: Rick Randall <rrandall14@cox.net>
Sent: Sunday, August 22, 2021 12:19 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>; Stephen Koven <Stephen.Koven@dcranchinc.com>; home email rick <rrandall14@cox.net>
Subject: Re: Arcadia Sissoo Trees

⚠ External Email: Please use caution if opening links or attachments!

I was confused by the outcome and how our neighborhood is expected to proceed following last weeks review meeting.

As a home owner, it seems like the city is taking on the responsibility of my home and property damage from these trees based the decision made by the board.

If your decision forces me to keep these extremely invasive and damaging trees, our neighborhood should assume the city will of course reimburse us for any damage?

The majority in our community voted to remove and you have just undermined our vote. The signatures on whatever petition you received were not accurate. The group of owners you are supporting have no idea what they are fighting for.

None of you are arborists and I can find many that would disagree with the expert you blindly listened to.

Did the council members consult with any other arborists before voting? Did the board perform any real research or even a google search? There is nothing available supporting that these trees are safe in a neighborhood like ours?

Our HOA and homeowners have researched every option for several years and keeping the Sissoo trees is not an option. By mitigating the roots, the stability of these trees make them a hazard to the residents in the community.

As I mentioned in my email last week, the city should not even be involved unless you are taking on the responsibility. If that is the case and the City of Scottsdale will be responsible, please confirm by response to this email.





These areas were just repaired. Within less than 6 months of removing and repairing damaged asphalt, other roots remaining grew and cracked around the repairs.

I really don't believe the city has done the research and your decision will destroy our homes.

Please confirm that your vote denying our ability to remove the trees will now allow the homeowners to file damage claims reimbursed by the City of Scottsdale?

Kind Regards,

Rick Randall
Arcadia Silverleaf homeowner
Mobile: [480.229.0884](tel:480.229.0884)

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On Aug 12, 2021, at 3:55 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Hello Mr. Randall,

Thank you for your comments. I see that you included the Development Review Board in your communication, but I wanted you to know your comments will also be included in the staff's report to the DRB.

Sincerely,

Jesús

From: rrandall14@cox.net <rrandall14@cox.net>

Sent: Thursday, August 12, 2021 1:39 PM

To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>

Cc: 'Stephen Koven' <Stephen.Koven@dcranchinc.com>; 'Rick Randall' <rrandall14@cox.net>

Subject: Arcadia Sissoo Trees

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Good morning,

I am one of the Arcadia homeowners supporting the removal of the Sissoo trees in our development. I am not sure if any other home owners have experienced property damage to the extent we have, but my wife and I would appreciate expedited removal of these damaging weeds in our yard. The Sissoo trees have been a tremendous unexpected expense. This doesn't include the amount we are being asked to pay the association to replace the trees we did not plant in the first place.

We strongly feel that DMB should be responsible but we also understand that the legal battle will cost more than replacing the trees. Based on our experience with our courts, we expect to lose to DMBs legal budget. These days we find ourselves arguing with our government leaders instead of the builders and contractors responsible for the issues we face. I really have no idea why the city is even involved in our association dispute related to trees damaging our personal property. It is adding an unnecessary layer of bureaucracy to an already ridiculous situation the Arcadia home owners are finding themselves in. In any normal situation, if a tree damages your property, you can remove it. For some ridiculous reason these weeds are protected.

I have included images of the tremendous root structure and some images of damage. I regret that I did not take more photos but you can get the sense of the damage from the images shown.

I would like to ask that the city supports our effort to remove and replace our trees as soon as possible before I find myself replacing driveways, lawn and all irrigation systems a second time. Maybe you can also address the environmentally wasteful mandate that we must have real grass in our yards. This

should be addressed for water conservation. It would also eliminate a water source for the damaging sissoo trees.

Kind Regards,

Rick Randall
480-229-0884

Murillo, Jesus

From: Anderson, Eric C.
Sent: Monday, August 23, 2021 6:22 PM
To: Murillo, Jesus
Subject: Re: Arcadia Sissoo Trees

I think it should come from Planning at this preliminary stage.

EA

From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Monday, August 23, 2021 6:10 PM
To: Anderson, Eric C. <EcAnderson@Scottsdaleaz.gov>
Subject: RE: Arcadia Sissoo Trees

I like it. Shall I send it or should it come form your office.

From: Anderson, Eric C. <EcAnderson@Scottsdaleaz.gov>
Sent: Monday, August 23, 2021 5:33 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: RE: Arcadia Sissoo Trees

Suggested response:

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Eric C. Anderson
Sr. Asst. City Attorney
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
e-mail: ecanderson@scottsdaleaz.gov

direct: 480-312-7302
general: 480-312-2405

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THANK YOU FOR YOUR COOPERATION

From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Monday, August 23, 2021 1:22 PM
To: Anderson, Eric C. <EcAnderson@Scottsdaleaz.gov>
Subject: FW: Arcadia Sissoo Trees

From: Rick Randall <rrandall14@cox.net>
Sent: Sunday, August 22, 2021 12:19 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>; Stephen Koven <Stephen.Koven@dcranchinc.com>; home email rick <rrandall14@cox.net>
Subject: Re: Arcadia Sissoo Trees

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To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>

Cc: 'Stephen Koven' <Stephen.Koven@dcranchinc.com>; 'Rick Randall' <rrandall14@cox.net>

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Cc: 'Stephen Koven' <Stephen.Koven@dcranchinc.com>; 'Rick Randall' <rrandall14@cox.net>

Subject: Arcadia Sissoo Trees

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Kind Regards,

Rick Randall
480-229-0884

Murillo, Jesus

From: Louis Flamino <flaminol@gmail.com>
Sent: Friday, August 20, 2021 9:17 PM
To: Murillo, Jesus
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Jesus,

Thank for your call and all your support. My apologies for not getting back with you on Thursday as I was out of town and didn't make it back in time for the call. I just wanted to acknowledge your effort to reach out and your professionalism. Again my apologies for not returning your call in time. Have a nice weekend.

Regards,

Louis Flamino
[646.325.9189](tel:646.325.9189)

On Aug 18, 2021, at 5:47 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Hello Everyone,

Thank you for your patience while staff confirmed the process for public comment. This email will detail the process for both "in-person" and virtual" participation of the above-mentioned case.

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<image005.png>

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Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!

<image001.png>

<image002.png>

<image003.png>

The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.

<image004.png>

Murillo, Jesus

From: Michael Zimmerman <Mike@teamzimm.com>
Sent: Thursday, August 19, 2021 3:10 PM
To: Murillo, Jesus
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

I apologize. But, I logged on too late for the virtual participation. I am watching online though. I still vote to deny the permits.

Michael Zimmerman
Mike@teamzimm.com

From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Wednesday, August 18, 2021 5:47 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Development Review Board Spoken Comment

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* indicates required field

Agenda Item

Which agenda item would you like to speak on? *

6-6-DR-2021 DC Ranch Parcel T7 (Arcadia) - Sisso Tree Removal

Please complete a separate form for each item you wish to address.



**Please be sure to scroll to
No. 6 – 6-DR-2021**

Name

Full Name *

Name of group or organization

Contact Information

Phone *

Please provide the number you will be calling from.

Email *

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Get informed!



INDIAN SCHOOL ROAD

BENNIE GONZALES WAY

DRINKWATER BLVD

NORTH

Murillo, Jesus

From: Julianne La Porte <julilaporte.me@gmail.com>
Sent: Thursday, August 19, 2021 11:44 AM
To: Murillo, Jesus
Subject: Re:

 **External Email: Please use caution if opening links or attachments!**

Great!!

On Thu, Aug 19, 2021 at 11:25 AM Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Yes – I will be wearing a light blue shirt with paisley tie – I will guide you on the presentation controls.

From: Julianne La Porte <julilaporte.me@gmail.com>
Sent: Thursday, August 19, 2021 10:00 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject:

 **External Email: Please use caution if opening links or attachments!**

Can we control our PowerPoint?

Murillo, Jesus

From: Murillo, Jesus
Sent: Thursday, August 19, 2021 11:43 AM
To: La Porte, Tom
Subject: RE: Zoom?

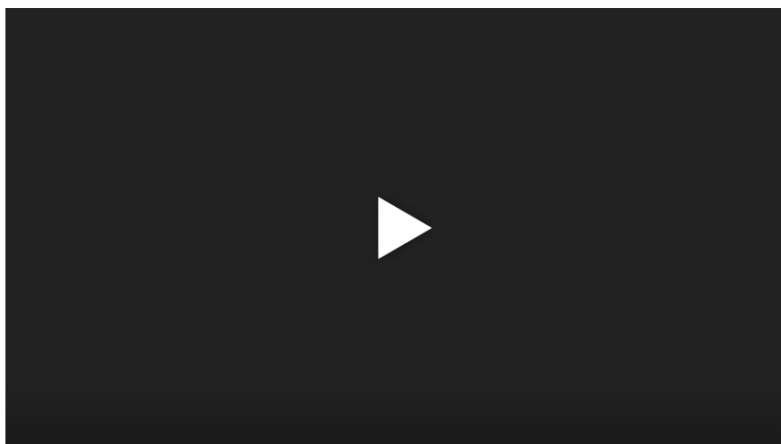
There is not a “zoom” link, but the hearing can be found in our website:

Please follow this link: [City of Scottsdale - Scottsdale Video Network - Live Stream \(scottsdaleaz.gov\)](#). You will click the “play” button on the black screen and the DRB hearing will play at 1:00 pm.

[Home Page](#) / [Scottsdale Video Network](#) / Live Streams

Live Streams

CHANNEL 11 LIVE STREAM



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Here is what's showing on Scottsdale Video Network this July.

[Scottsdale Video Network June program guide](#)

From: La Porte, Tom <lportet@stifel.com>
Sent: Thursday, August 19, 2021 11:40 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Zoom?

⚠ External Email: Please use caution if opening links or attachments!

Will there be a Zoom link to the meeting?

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell

(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com

2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

STIFEL | Rule 2 Advisors

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www.Rule2Advisors.com

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Murillo, Jesus

From: Dean Zuccarello <dzuccarello@cypressgroup.biz>
Sent: Thursday, August 19, 2021 11:33 AM
To: Murillo, Jesus
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

 **External Email: Please use caution if opening links or attachments!**

Thanks

Dean Zuccarello

THE CYPRESS GROUP

FRANCHISE TIMES “*DEALMAKERS OF THE YEAR*” – *Multiple Award Winner*

- *Mergers, Acquisitions & Divestitures*
- *Capital Formations: Debt & Equity*
- *Restructurings, Turnaround Situations & Bankruptcy Services*
- *Strategic Advisory Services*
- *Valuations & Fairness Opinions*
- *Litigation Support*



(303) 680-4141 ext. 101



dzuccarello@cypressgroup.biz

Website: www.cypressgroup.biz

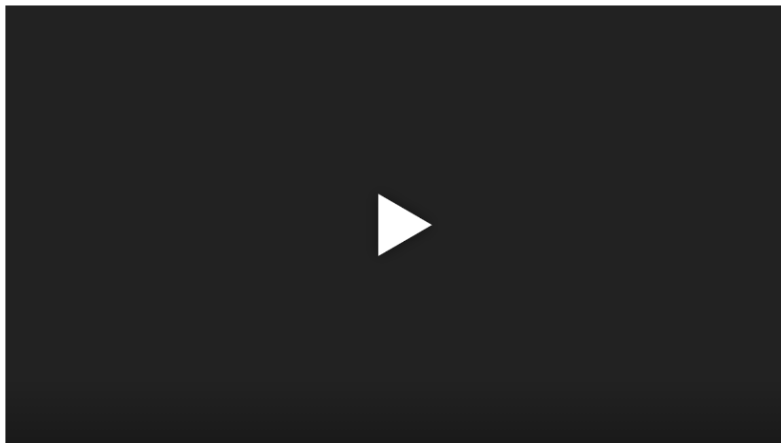
Nothing contained in this communication shall be considered as professional, specialist, or technical advice on legal, regulatory, actuarial, accounting or taxation matters. The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately.

From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Thursday, August 19, 2021 12:29 PM
To: Dean Zuccarello <dzuccarello@cypressgroup.biz>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Live Streams

CHANNEL 11 LIVE STREAM



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Sent: Thursday, August 19, 2021 11:09 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Jesus, how do I access the meeting remotely if I am interested in listening but not speaking?

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To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
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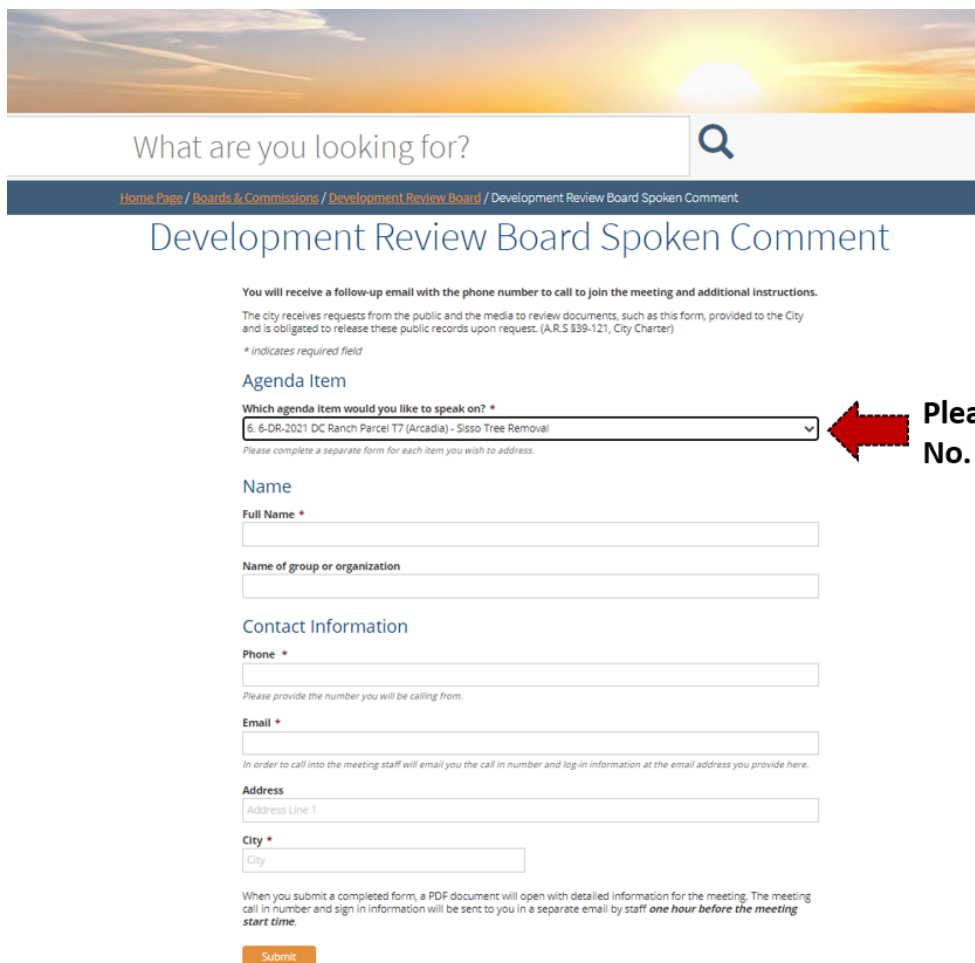
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6-DR-2021 DC Ranch Parcel T7 (Arcadia) - Sisso Tree Removal

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Name of group or organization

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Murillo, Jesus

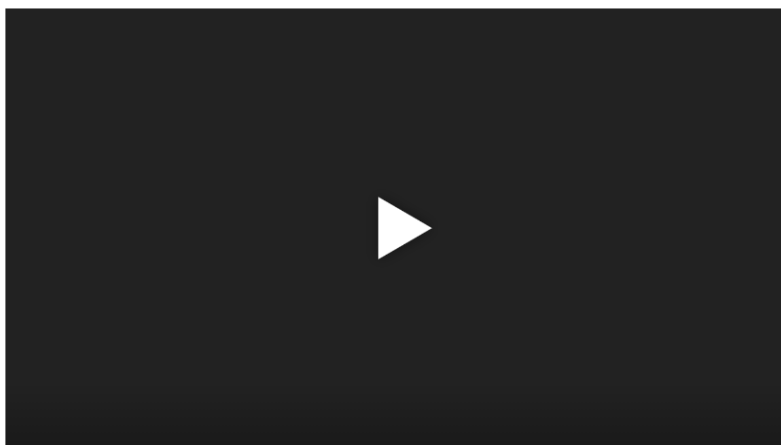
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6. 6-DR-2021 DC Ranch Parcel T7 (Arcadia) - Sisso Tree Removal

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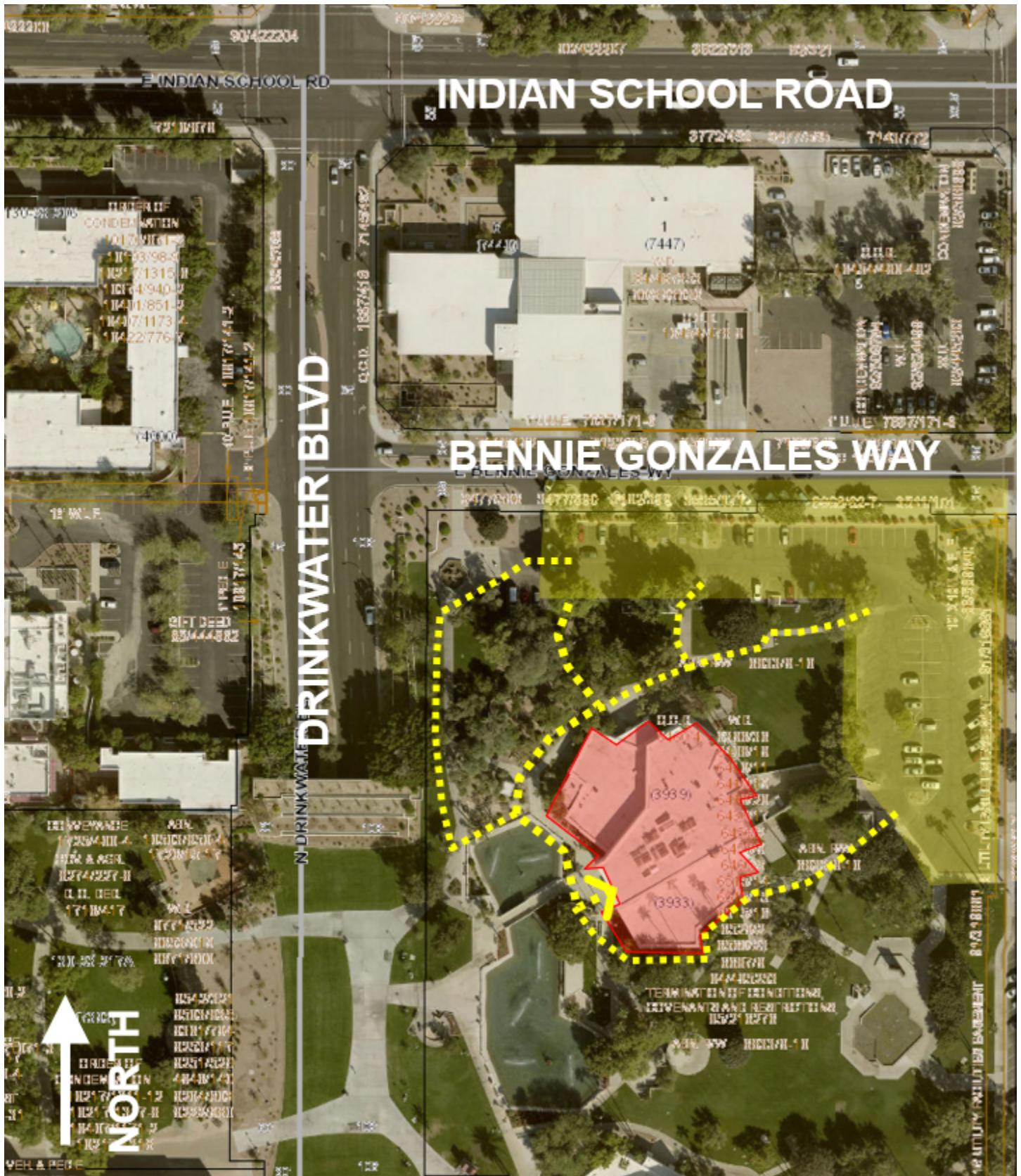
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To: Julianne La Porte
Subject: RE:

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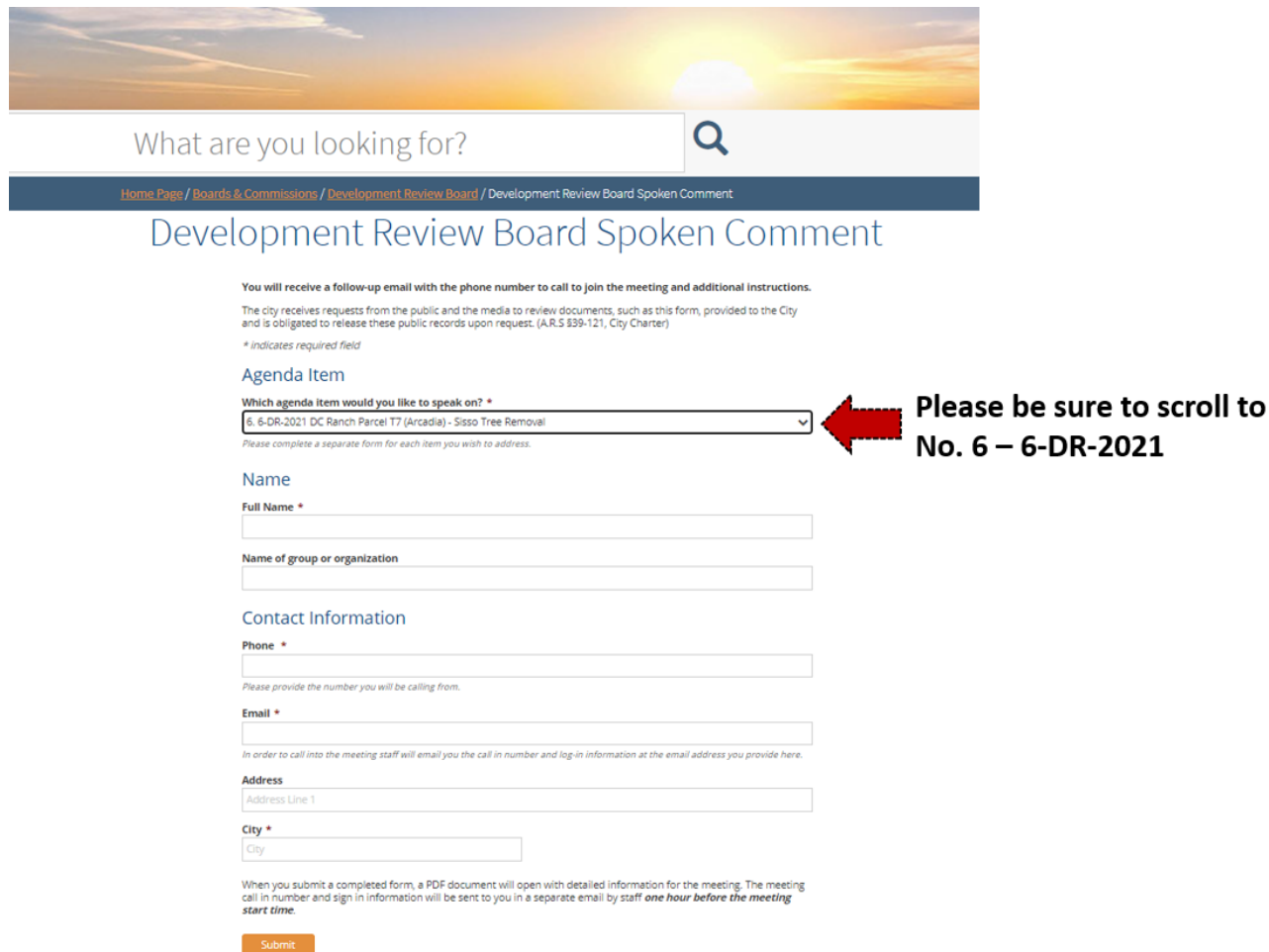
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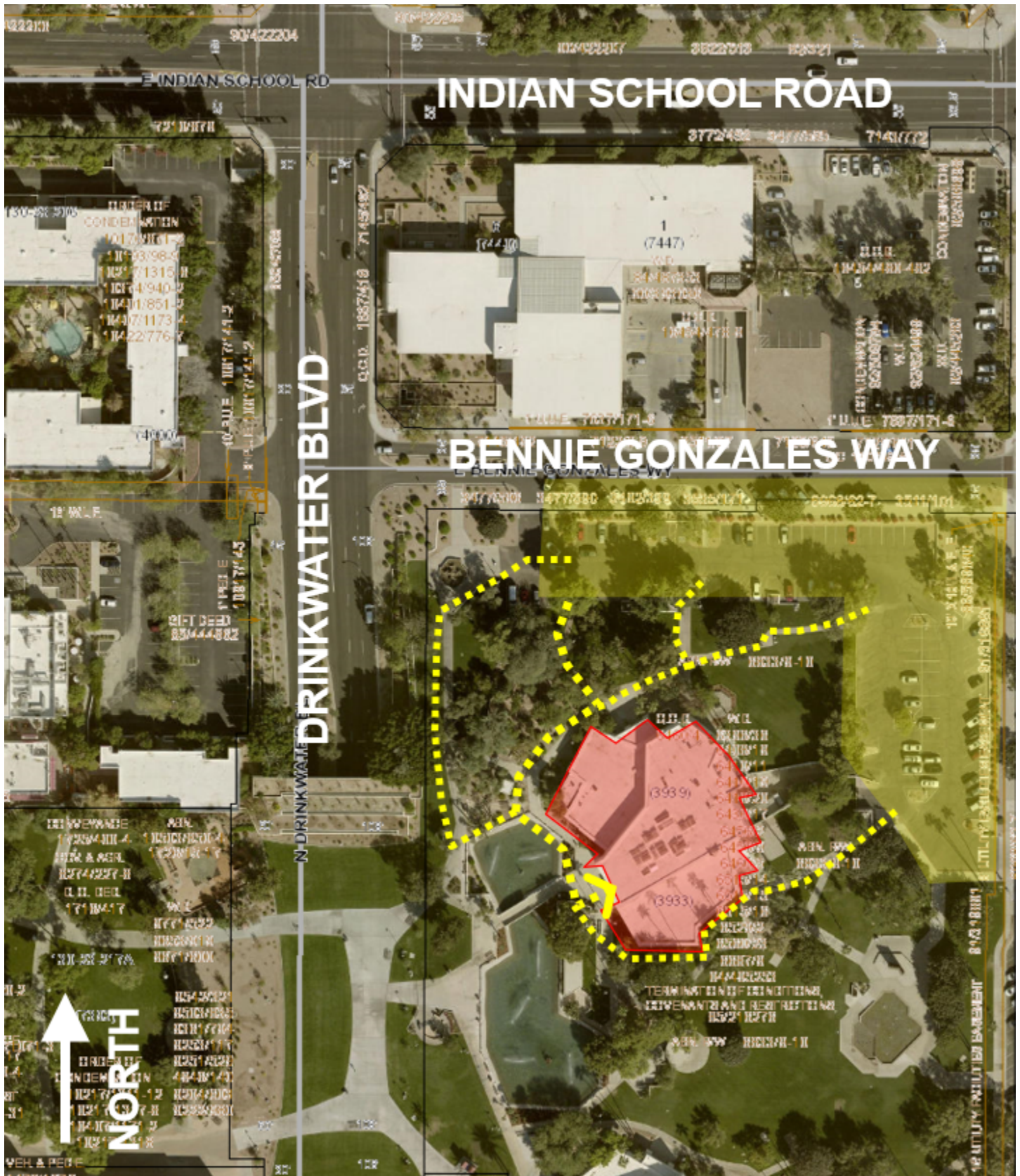
PLEASE SEE FURTHER BELOW MY SIGNATURE FOR A MAP OF THE MEETING LOCATION AND PLACES TO PARK.

Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!

The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.



Murillo, Jesus

From: Castro, Lorraine
Sent: Thursday, August 19, 2021 10:57 AM
To: Murillo, Jesus
Subject: FW: SilverLeaf Arcadia

From: Joshua Isner <josh.isner@gmail.com>
Sent: Thursday, August 19, 2021 9:07 AM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Subject: SilverLeaf Arcadia

 **External Email: Please use caution if opening links or attachments!**

DRB Members,

Thank you for taking the time to deeply understand the troubling situation in SilverLeaf Arcadia, I know you are extremely busy. I wanted to concisely and respectfully offer two points for consideration:

1. This is taxation without adequate representation. Although Arcadia is it's own neighborhood, an overwhelming majority of HOA members who DO NOT live in the neighborhood are "taxing" each of us \$25,000 to \$35,000 in order to rectify a problem that they created by not maintaining the trees. If the broader HOA failed to maintain the roots, why shouldn't every person under their umbrella be asked to chip in? In reality, most folks in DC Ranch don't live in Arcadia, and for them, the path of least resistance is the get rid of the "problem" and send the bill to the affected homeowners. This is lazy, wrong, and irresponsible.

2. The roots can in fact be managed. We have sought advice from a leading arborist, and he claims with complete conviction that the roots can be managed without property damage. If this option exists, why would we move so abruptly to cut these beautiful trees down?

It pains me to see the HOA propose something that 75%+ of the affected owners are so strongly against. Tearing down trees is bad for the environment, lowers our home values, and removes the fabric of our neighborhood.

I sincerely hope we can find a resolution other than cutting these trees down.

Sincerely,
Josh Isner
Lot 3709

Sent from my iPhone

Murillo, Jesus

From: Castro, Lorraine
Sent: Thursday, August 19, 2021 10:54 AM
To: Murillo, Jesus
Subject: FW: Petition & DRB request | 6-DR-2021 | DC Ranch, Arcadia at Silverleaf

From: pia morrow <piamorrow@gmail.com>
Sent: Wednesday, August 18, 2021 3:59 PM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Subject: Petition & DRB request | 6-DR-2021 | DC Ranch, Arcadia at Silverleaf

 **External Email: Please use caution if opening links or attachments!**

Hello Development Review Board,

My husband and I moved to Scottsdale from California 3 months ago. We love it here and purchased our home in Arcadia at Silverleaf as we are very fond of the mature trees with the beauty and all the other benefits they provide. We would be devastated to lose an asset like this when there seem to be many attempts from the homeowners to provide solutions to the HOA Board to rectify the issue with the tree roots.

I will be present at the meeting on Thursday and hope for your support which will mean so much to us.


Again, thank you for your consideration and support.

Kind regards,

Pia Morrow
18967 N 97th Place
Scottsdale, AZ 85255
T 714.600.3891

Murillo, Jesus

From: Ray Lucchesi <raylucchesi1@gmail.com>
Sent: Thursday, August 19, 2021 10:18 AM
To: City Council; Development Review Board; Murillo, Jesus; Tim Johnson
Subject: EXPERT REPORT | Arborist T. Johnson | 6-DR-2021
Attachments: Arcadia at Silverleaf 21-08-16 Rev 21-08-18.pdf

 External Email: Please use caution if opening links or attachments!

Ladies and Gentlemen:

I just received the attached Expert Report from Tim Johnson, Consulting Arborist. Tim will speak this afternoon and reference this report.

Sincerely,
Ray Lucchesi
Homeowner, Arcadia at Silverleaf

Artistic Arborist, Inc.

Tim A. Johnson – Consulting Arborist

Expert Report

Arcadia At Silverleaf
Sissoo Tree Removal/Replacement Issue

August 16, 2021

Prepared for:

Mr. Ray Lucchesi
9795 E Kemper Way
Scottsdale, AZ 85255
raylucchesi1@gmail.com
(C) 480-433-8646

Prepared by:

Tim A. Johnson
Consulting Arborist

Assignment.

I was originally engaged to determine why a Sissoo tree, located on the corner of 98th St. and Kemper Way in Scottsdale, Arizona, died. At that time, the community Sissoo root issues, with a possible outcome being removed, was discussed.

That Sissoo, as well as five other Sissoo in various locations, assessed a few weeks later, all tested positive for *Phytophthora*, a water mold fungus that collapses the vascular tissue, stopping connection between roots and leaves. *Phytophthora* fungi requires a combination of poor soil chemistry and chronic high moisture levels to become active.

The Sissoo root issues were again discussed, as well as the overall management of the trees. Subsequently, I was engaged to consult with a homeowner's group about the community Sissoo trees. I was told, the association wanted to remove and replace all 917 Sissoo trees, however most homeowners did not.

Why has the situation gotten to this point and are there viable alternatives?

Conclusion.

It is my professional opinion, based on the documents reviewed, site visits, and a history of the area, together with my education and experience, that management of the Sissoo trees in Arcadia at Silverleaf was below a standard of care needed for this species (with a reputation for invasive roots) of tree, in this type/design of landscape.

The lack of a proactive tree management plan is the largest contributing factor to the past, present, and future damage caused by trees, not just Sissoo. A Level 3 Assessment needs to be undertaken for the entire community tree population based on parameters set by the tree owners and a qualified arborist. A layman can see a small percentage of the trees will need to be removed because of obvious infrastructure conflicts, a design issue as much as a tree issue, and if proactively managed would have been removed long before this.

Previous recommendations and a recent report recommending removal of all Sissoo trees contained anecdotal information and appeared narrowly focused, biased, and prepared/presented with extremely minimal due diligence. The fact that other communities removed their Sissoo appeared to be the driving factor for that recommendation, not an in-depth look at Arcadia's history with these trees or physical analyses of all the systems/parts involved.

Before a decision can be made about removing and replacing Arcadia's 917 Sissoo, an in-depth Level 3 Assessment needs to be completed with documented details. This will result with decisions being made based on factual information, not speculation, finding out that a small percentage of trees need to be removed soon. Another small percentage need some type of root management implemented sooner than later and others only need some type of environment change. This will be easier to accept, plan, and budget for, than removing 917 trees. Also, replacement can be addressed and targeted with site, soil, and infrastructure information previously overlooked or discounted yet needed for long-term success.

Discussion.

The priority in managing trees in areas with public access is public safety – the reduction of root, trunk, or branch failure potential, as well as the potential for below-ground issues for all trees, not just Sissoo.

The Sissoo tree, *Dalbergia sissoo*, is used because it is fast growing, providing a desired shade cover for Arizona.

It is common knowledge that roots from some, not all, Sissoo trees can cause damage to various types of infrastructure.

Therefore, when utilizing Sissoo trees, clear, long-term goals need to be memorialized in a tree management plan that includes objectives and specifications. For best results, the planning needs to start with the initial design, followed by a planting detail targeted for the site conditions. Sadly, in most cases, boiler plate details are used and a clear management plan is never memorialized, not even after issues that could have been minimized start to become major issues.

A clear, pro-active plan can be developed at whatever stage issues become obvious and need to be addressed.

A substantial portion of my professional career as a consulting arborist has been devoted to the challenge of developing clear and concise specifications. I served for 20 years as the chair of the American National Standards Institute committee charged with developing and revising standards for tree, shrub, and other plant management (“**1.2 Purpose – ANSI A300 standards**, including a root management clause, are intended for the development of work practices, written **specifications**, best practices, regulations and other measures of performance.”). The crucial importance of clear and concise specifications for plant management cannot be overstated, particularly when addressing issues that can have a major impact to a community.

I have been told the association has not produced plans or records regarding past or present documentation regarding tree management. I expected to see some records/information regarding success or failure with various tree management practices or root mitigation methods used in the past. I provided a proposal to investigate and develop root management alternatives/plan in 2017. That proposal was not accepted so I assumed another company was retained. If so, that history would be crucial in formulating future root management strategies.

I have also seen references that the recommended replacement tree is the Evergreen Elm, and the Fan Tex Ash in second place. I have not seen the planting or irrigation details, that mean as much, if not more, to the success of a project as the choice of trees.

Utilizing Elms or Ash indicates preplanning, again, is extremely inadequate. Using these trees can result with the same issues in a few (plus) years in the future.

Also, DC Ranch prides itself as a community in the Pristine Sonoran Desert. Do Elm or Ash trees fit with that identity?

Other overlooked facts are:

- Non-desert trees require more water to survive and thrive. That was a negative for the Sissoo. Isn't water availability a current or future issue?
- Non-desert trees require regular and targeted root zone soil amendments for long-term health, an additional management component.
- The mature size of Elms and Ash (root spread and density, trunk flare and diameter, crown height and width) can equal, sometimes surpass, that of the Sissoo.

Creating, implementing, and monitoring an in-depth Tree Management Plan will achieve the community's goals, short and long-term, wholesale removal of 917 trees will not.

Respectfully Submitted



Tim A. Johnson, Consulting Arborist

TAJ:km

Murillo, Jesus

From: Bryan Schreiber <bryanschreiber@verizon.net>
Sent: Thursday, August 19, 2021 9:40 AM
To: City Council; Development Review Board; Murillo, Jesus
Subject: Case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

Hi

This is Bryan and Tracy Schreiber. We live at lot 3670 in the Arcadia neighborhood at DC Ranch. We have lived here for 6+ years. During this time we have seen our neighborhood grow and transform into a beautiful subdivision of Scottsdale. An important aspect of this beauty comes from the street trees. When the Master HOA started pushing for their removal we were shocked. Taking away these trees would not only hurt the appearance, but cause temperatures to increase from lack of shade, and disrupt the wildlife that call these trees home. This summer as we walk our dogs my wife and I have seen owls and hawks in the trees. Being able to see birds like these is AWESOME!! They serve a key part in keeping Scottsdale a truly incredible place to live.

During one of their zoom meetings they made the comment the damage the trees were causing. Since the DC Ranch maintenance team refer to themselves as landscape experts, this surprised us a great deal. During the meeting it became very apparent instead of taking proactive steps they have done nothing besides trimming to trees to maintain them. As the meeting went on a question came up on how much damage the HOA has paid out to repair damage from the trees, I was expecting a large \$ amount, because let's face it trees have roots and they cause issues. After being pressed they said the total was ~\$80k during the life of the community. To be honest I almost fell out of my chair when they said this. During the past ~15 years they spent \$80k on repairs and now they want the Homeowners to pay ~\$2M? In my opinion since the \$ being spent are not their own, this is a perfect example of people not using common sense.

We respectfully request that you deny this permit and ask the DC Ranch HOA to work with the Arcadia homeowners on other options. An option like this should always be a last resort.

Thank you for your time

Bryan and Tracy Schreiber
19149 N 99th Street
Scottsdale, AZ 85255

Murillo, Jesus

From: Joshua Isner <josh.isner@gmail.com>
Sent: Thursday, August 19, 2021 9:24 AM
To: Schilling, Bethany
Cc: City Council; Murillo, Jesus
Subject: Re: SilverLeaf Arcadia

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Thank you!

Sent from my iPhone

On Aug 19, 2021, at 9:17 AM, Schilling, Bethany <BSchilling@scottsdaleaz.gov> wrote:

Good Morning Mr. Isner,

Thank you for reaching out to City Council to express your concern for the Sisso tree removal proposal. This is currently on the agenda for the Development Review Board public hearing today at 1pm. The staff coordinator for the proposal, Jesus Murillo, is cc'd to ensure your email will be included with all public comment.

Very Respectfully,

Bethany Schilling
Management Assistant to the Mayor and City Council
Office of Mayor David D. Ortega
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251
Phone: 480.312.7977
Email: bschilling@scottsdaleaz.gov

From: Joshua Isner <josh.isner@gmail.com>
Sent: Thursday, August 19, 2021 9:08 AM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: SilverLeaf Arcadia

 **External Email: Please use caution if opening links or attachments!**

City Council Members,

Thank you for taking the time to deeply understand the troubling situation in SilverLeaf Arcadia, I know you are extremely busy. I wanted to concisely and respectfully offer two points for consideration:

1. **This is taxation without adequate representation.** Although Arcadia is it's own neighborhood, an overwhelming majority of HOA members who DO NOT live in the neighborhood are "taxing" each of us \$25,000 to \$35,000 in order to rectify a problem that they created by not maintaining the trees. If the

broader HOA failed to maintain the roots, why shouldn't every person under their umbrella be asked to chip in? In reality, most folks in DC Ranch don't live in Arcadia, and for them, the path of least resistance is the get rid of the "problem" and send the bill to the affected homeowners. This is lazy, wrong, and irresponsible.

2. The roots can in fact be managed. We have sought advice from a leading arborist, and he claims with complete conviction that the roots can be managed without property damage. If this option exists, why would we move so abruptly to cut these beautiful trees down?

It pains me to see the HOA propose something that 75%+ of the affected owners are so strongly against. Tearing down trees is bad for the environment, lowers our home values, and removes the fabric of our neighborhood.

I sincerely hope we can find a resolution other than cutting these trees down.

Sincerely,
Josh Isner
Lot 3709

Sent from my iPhone

Murillo, Jesus

From: Schilling, Bethany
Sent: Thursday, August 19, 2021 9:18 AM
To: Joshua Isner; City Council
Cc: Murillo, Jesus
Subject: RE: SilverLeaf Arcadia

Good Morning Mr. Isner,

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Bethany Schilling
Management Assistant to the Mayor and City Council
Office of Mayor David D. Ortega
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251
Phone: 480.312.7977
Email: bschilling@scottsdaleaz.gov

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Sent: Thursday, August 19, 2021 9:08 AM
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Sincerely,
Josh Isner
Lot 3709

Sent from my iPhone

Murillo, Jesus

From: La Porte, Tom <laportet@stifel.com>
Sent: Thursday, August 19, 2021 8:03 AM
To: Murillo, Jesus
Subject: RE: [EXTERNAL] RE: DRB Presentation Final

⚠ External Email: Please use caution if opening links or attachments!

Yes had to cut it down

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

STIFEL | Rule 2 Advisors

Visit our team website at:
www.Rule2Advisors.com

From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Thursday, August 19, 2021 7:58 AM
To: Julianne La Porte <julilaporte.me@gmail.com>; La Porte, Tom (Phoenix) <laportet@stifel.com>; Thomas La Porte <etropalmot48@gmail.com>
Subject: [EXTERNAL] RE: DRB Presentation Final

Hello Julianne,

Is this presentation in substitution or addition to Tom's presentation? I don't want to mess anything up.

Thank you,

Jesús

From: Julianne La Porte <julilaporte.me@gmail.com>
Sent: Thursday, August 19, 2021 7:52 AM
To: Tom La Porte <laportet@stifel.com>; Thomas La Porte <etropalmot48@gmail.com>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: DRB Presentation Final

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Murillo, Jesus

From: Julianne La Porte <julilaporte.me@gmail.com>
Sent: Thursday, August 19, 2021 8:00 AM
To: Murillo, Jesus; City Council; Development Review Board
Subject: Arcadia Silverleaf Sissoo Trees
Attachments: Arcadia at Silverleaf_DRB petition_8-18-21.pdf

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Ladies and Gentlemen:

The attached letter contains updated petition results as of 8-18-21. **More than 60% of resident lots support the petition** and object to the applicant's plan currently under City review.

We've also summarized the problem and a more reasonable solution for your consideration.

Sincerely,
Julianne La Porte
Homeowner, Arcadia at Silverleaf

August 18, 2021

Ray Lucchesi
Homeowner, Arcadia at Silverleaf
9795 E. Kemper Way
Scottsdale, AZ 85255

VIA EMAIL

City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Attn: Jesús Murillo, City Council, Development Review Board
jmurillo@scottsdaleaz.gov
Citycouncil@scottsdaleaz.gov
DevelopmentReviewBoard@ScottsdaleAz.gov

Re: Homeowner Majority Petition Against Tree Removal | updated 8-18-21
Case: 6-DR-2021 (DC Ranch, Arcadia at Silverleaf)

Ladies and Gentlemen:

Homeowners have increased support of the petition against destroying 670 of their private property street trees without their consent and receiving a multi-million dollar bill to pay for it. Updated petition results are attached along with a concise summary of our request of the DRB, the problem, and a reasonable solution.

1. Petition support above 60%: 75 of 123 lots object to the plan currently under City review.
2. Homeowners' request of the DRB:
 - **Vote to Deny applicant's request for wholesale tree removal.**
 - Suggest the applicant work with homeowners on a more reasonable solution.
 - Vote to continue the case if a reasonable resolution cannot be established at the time of the hearing.
3. Applicant's problem and motive to destroy
 - CC&Rs give street tree maintenance responsibility to the Association.
 - Association ignored proper maintenance and abrogated **insurance coverage that might have been available.**

- Association faces liability for damages per DC Ranch Governing Documents:

Article VII of the Declaration

The Association shall not be liable for any damage or injury occurring on or arising out of the condition of property which it does not own except to the extent that it has been negligent in the performance of its maintenance responsibilities.

- The only 2 options given to owners was a reneged contract a.) remove all trees or b.) keep trees only if owners assume maintenance and liability with indemnifications.
 - The only option given to DRB is removal of trees, another contract renege of the approved original design.
 - Motive: absolve negligence and liability by eradicating trees.
4. Solution: Consulting arborist Tim Johnson and other tree experts insist proper maintenance is the solution, and **lack of a proactive tree management plan** is the largest contributing factor for past, present, and future issues. A reasonable solution includes:
- a. In-depth Level 3 Assessment of all trees providing facts, not speculation
 - b. Identification of the minority of trees in problem areas that need targeted management or removal
 - c. Comprehensive management plan with written specifications for the majority of trees

The Association does not have the support, consent, or approval of the neighborhood – nor does it have the legal authority -- to remove these 670 private property trees and the Association has not attempted to adequately address the legitimate concerns of the neighbors regarding this matter.

Please vote to deny the association's application.

Sincerely,

Ray Lucchesi

**Petition
Homeowners of Arcadia at Silverleaf
August 5, 2021**

The following homeowners state the following:

1. I am an owner of real property in the Arcadia at Silverleaf neighborhood, legally known as DC Ranch Parcel T7 (referred to herein as the “Arcadia Neighborhood”);
2. The Amended and Restated Supplemental Declaration of Covenants, Conditions and Restrictions (the “Amended CCRS”) for the Arcadia Neighborhood were filed on April 1, 2005;
3. Pursuant to Section 8 of the Amended CCRS, the DC Ranch Association (the “HOA”) was made legally responsible for maintaining the street trees that are privately owned on each parcel in the Arcadia Neighborhood;
4. I oppose the application of the HOA to the City of Scottsdale to remove 670 mature trees from the Arcadia Neighborhood;
5. I respectfully request the HOA to comply with the Amended CCRS to create a root maintenance plan and implement such plan with respect to all trees in the Arcadia Neighborhood.

Respectfully submitted,

Homeowner Name	Address	Lot No.

**Homeowners in support of the petition
as of August 18, 2021**

#	Lot	Address	Last	First	First
1	3601	18730 N 97th Pl	Crowder	Ross	Greta
2	3602	18764 N. 97th Pl	Arcadia Properties LLC		
3	3603	18802 N. 97th Pl	Curry	Tasha	John
4	3607	18946 N. 97th Pl	Connors	Nicole	Tim
5	3610	19054 N. 97th Pl	Knight	Sydney	Kevin
6	3614	19212 N. 98th Pl	Lammot	Stacey	Tom
7	3616	19296 N. 98th Pl	Zimmerman	Michael	
8	3618	19372 N. 98th Place	Zuccarello	Dean	Kim
9	3620	19452 N. 98th Place	Hamelink	Craig	Rebecca
10	3622	19499 N 98th Place	McKee	Jay	
11	3623	19481 N. 98th Pl	Rogers	Russell	Anita
12	3625	19465 N. 98th Place	Smith	Jerry	Lisa
13	3628	9848 E. Parkside Ln	Gage	Jennifer	
14	3630	19394 N. 99th St.	Ruggiero	Lisa	
15	3632	9882 E. Toms Thumb	Chasse	Barry	Rikki
16	3633	9904 E. Toms Thumb	Roberts	Scott	
17	3634	9926 E. Toms Thumb	Roberts	Scott	
18	3635	9948 E. Tom's Thumb	Sugidono	Dawne	Josh
19	3636	19465 N. 98th Place	Smith	Peter	
20	3637	9986 E. Toms Thumb	Schmock	Richie	Rachael
21	3638	9979 E. Toms Thumb	Lasky	Daren	
22	3639	9953 E. Toms Thumb	Beason	Greg	Kelly
23	3642	19445 N 99th St	Gray	Steve	Sally
24	3645	9908 E. Kemper Way	Larson	Luke	Kristen
25	3647	9943 E. Kemper Way	Harkless	Jeff	Tobie
26	3649	9901 E. Kemper Way	Miraglia	Blake	Lori
27	3650	9887 E. Kemper Way	Flamino	Louis	Aida
28	3653	9830 E. Kemper Way	Grob	Nancy	Dan
29	3654	9817 E. Parkside Ln	Olson	Shawn	Jill
30	3655	9785 E. Parkside Ln	Poole	Tina	John
31	3657	19225 N. 98th St	Stone	Lisa	
32	3659	19141 N. 98th Pl	Kaplan	Abby	David
33	3660	9774 E. Kemper Way	Williamson	Steve	Nicole
34	3661	9786 E. Kemper Way	Moore	Scott	Sheena
35	3665	9795 E. Kemper Way	Lucchesi	Ray	Amy
36	3666	19083 N 98th Way	Kozak	Charlie	Regilyn

37	3668	19106 N 99th Street	Rahden	Andy	
38	3670	19149 N 99th Street	Schreiber	Brian	Tracy
39	3672	19067 N. 99th St.	Daugherty	Nick	Loren
40	3673	19025 N. 99th St.	Sabean	Brian	Amanda
41	3674	18983 N. 99th St.	Zyadet	Rania	John
42	3675	18941 N 99th St.	Attal	Kristie	Alan
43	3676	9089 E. Legacy Ln	Brodt	Zack	Marisa
44	3677	9871 E. Legacy Ln	Hazar	Thomas	
45	3678	9855 E. Legacy Ln.	Anderson	Scott	Heather
46	3679	9849 E. Legacy Ln	Goshkarian	Wayne	
47	3682	9793 E. Legacy Ln.	Petelin	Paul	Jess
48	3683	9781 E Legacy Ln.	Woudenberg	Dana	Kelly
49	3686	9898 E. Legacy Ln.	Meadows	Bill	Jan
50	3684	9814 E. Legacy Ln.	Roberts	Scott	Lauren
51	3687	18940 N. 99th St.	Salcito	Anthony	Rebecca
52	3689	19024 N. 99th St.	D'Souza	Sean	Brandi
53	3691	18967 N. 98th Way	Lanter	Steve	Emily
54	3693	18903 N. 98th Way	Clayton	Cindy	Marshall
55	3694	9782 E. Legacy Ln.	Steinfeld	Joseph	Jodi
56	3699	19076 N. 98th Way	Desmarteau	Dustin	Kaycee
57	3703	18961 N. 98th St	Del Gatto	Brian	Jo Lynn
58	3704	18945 N. 98th St	Glauser	Ron	Valerie
59	3705	18909 N. 98th St	Clary	Jim	Sheila
60	3706	18877 N. 98th St	La Porte	Tom	
61	3707	18852 N 98th St.	Farnham	Lucas	Allyson
62	3708	18884 N 98th St	Hertzberg	George	
63	3709	18916 N. 98th St	Isner	Josh	
64	3710	18948 N. 98th St	Reiman	Lori	Eric
65	3711	18974 N. 98th St	McCracken	Gary	Regina
66	3712	19005 N. 97th Place	Roberts	Cindy	CA
67	3713	18967 N 97th Place	Morrow	Pia	Dean
68	3714	18931 North 97th Place	Carter	Joey	Ivanka
69	3715	18893 N. 97th Pl	Searle	GP	Stacy
70	3716	9694 E. Legacy Ln	White	Kelley	Duncan
71	3717	18819 N 97th Pl	Morris	Greg	Stacy Vlachos
72	3718	18781 N 97th Place	Torczon	Jeff	Sunshine
73	3719	18745 N. 97th Place	Anderson	Derek	Mallorie
74	3720	18750 N. 97th Way	Lin	Clare	
75	3722	18821 N. 97th Way	Hsu	Connie	

Murillo, Jesus

From: Julianne La Porte <julilaporte.me@gmail.com>
Sent: Thursday, August 19, 2021 8:01 AM
To: Murillo, Jesus
Subject: Re: DRB Presentation Final

⚠ External Email: Please use caution if opening links or attachments!

It's a substitution. We trimmed it down. I am also bringing it on a zip drive and hard copies too. Thanks for all your help! I appreciate everything you've done through this process. Sincerely, Juli

On Thu, Aug 19, 2021 at 7:58 AM Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Hello Julianne,

Is this presentation in substitution or addition to Tom's presentation? I don't want to mess anything up.

Thank you,

Jesús

From: Julianne La Porte <julilaporte.me@gmail.com>
Sent: Thursday, August 19, 2021 7:52 AM
To: Tom La Porte <laportet@stifel.com>; Thomas La Porte <etropalmot48@gmail.com>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: DRB Presentation Final

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From: Murillo, Jesus
Sent: Thursday, August 19, 2021 7:59 AM
To: Karekin & Zhanet Kaprelian
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Sounds good!

From: Karekin & Zhanet Kaprelian <kzkaprelian@gmail.com>
Sent: Wednesday, August 18, 2021 10:53 PM
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Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
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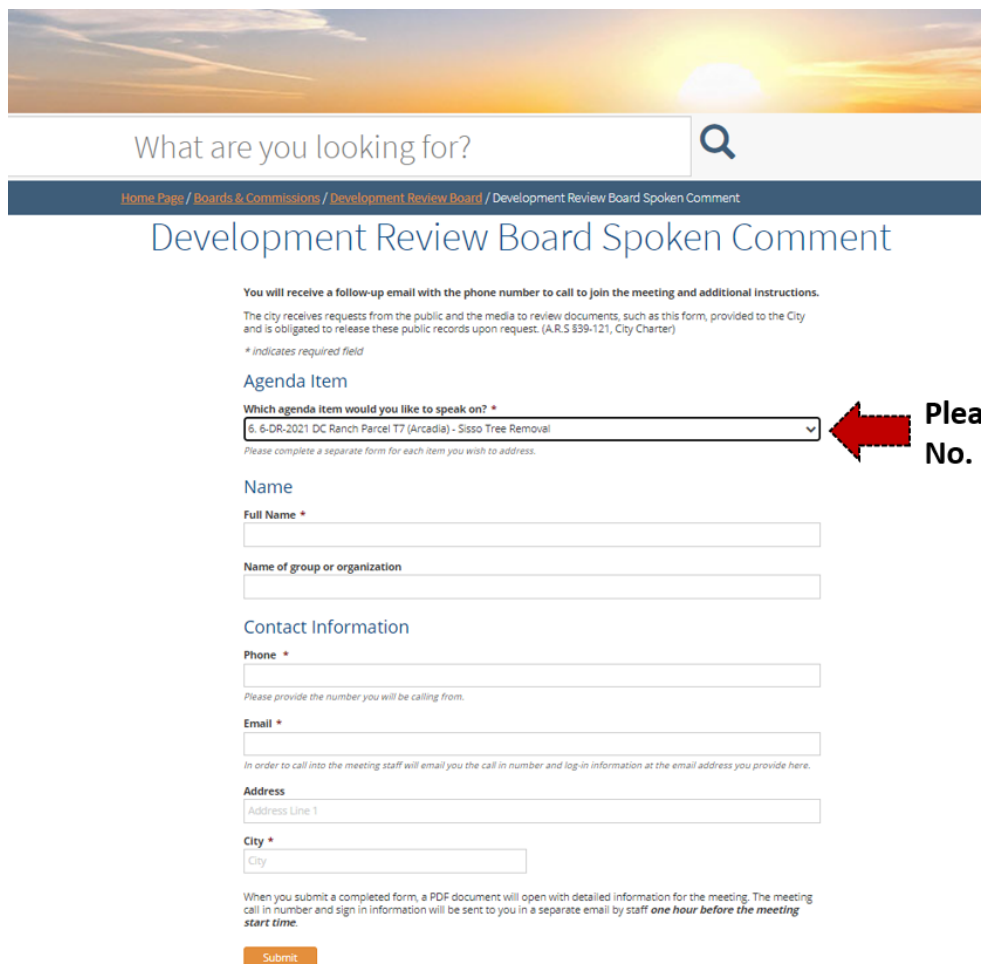
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Agenda Item

Which agenda item would you like to speak on? *

6. 6-DR-2021 DC Ranch Parcel T7 (Arcadia) - Sisso Tree Removal

Please complete a separate form for each item you wish to address.

Name

Full Name *

Name of group or organization

Contact Information

Phone *

Please provide the number you will be calling from.

Email *

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Address Line 1

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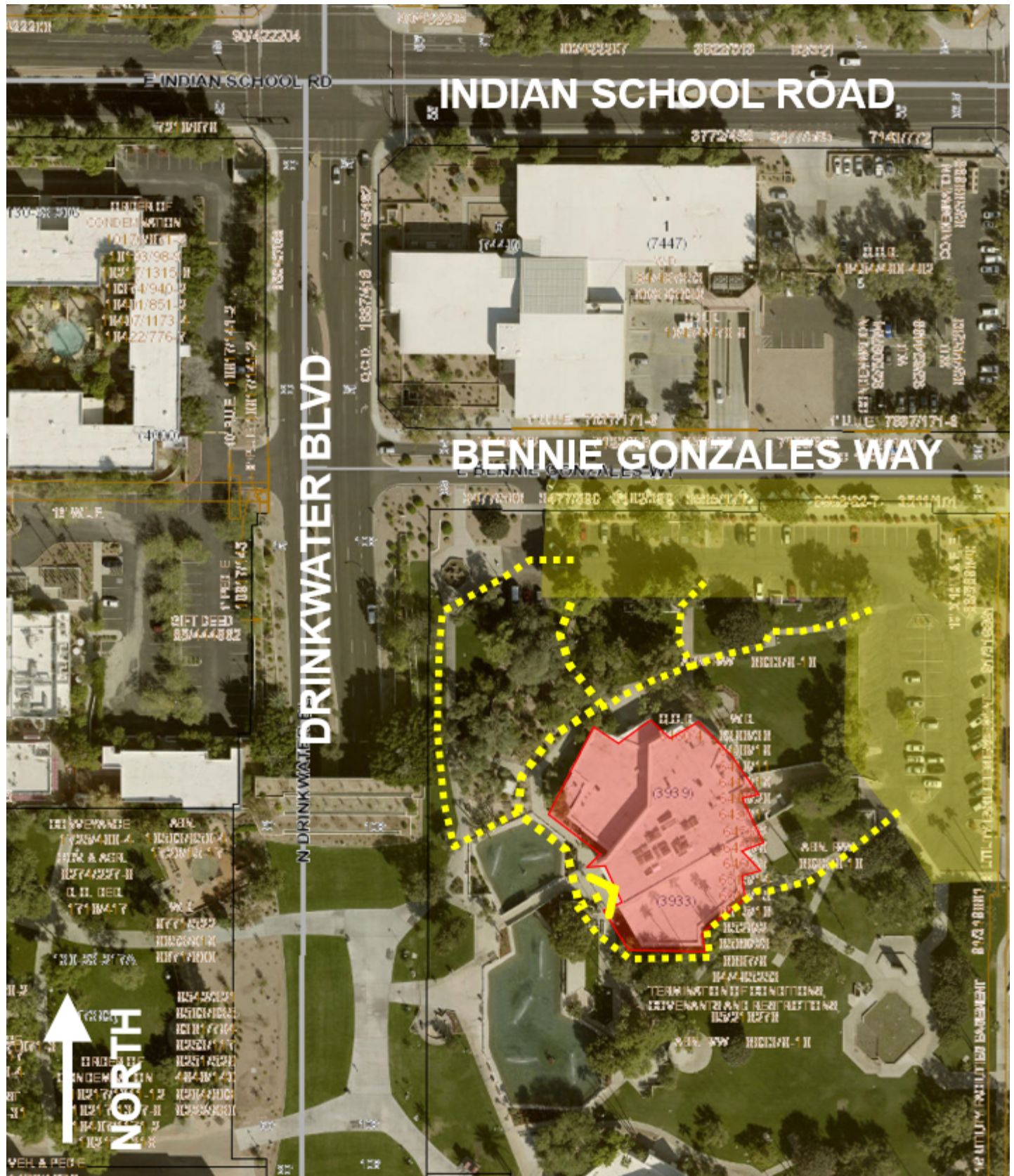
Phone: 480-312-7849

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City of Scottsdale Design Principles

Development Review Board adoption - 1999 - 2003

KEY POINTS:

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By Darren Shaw | Executive Director

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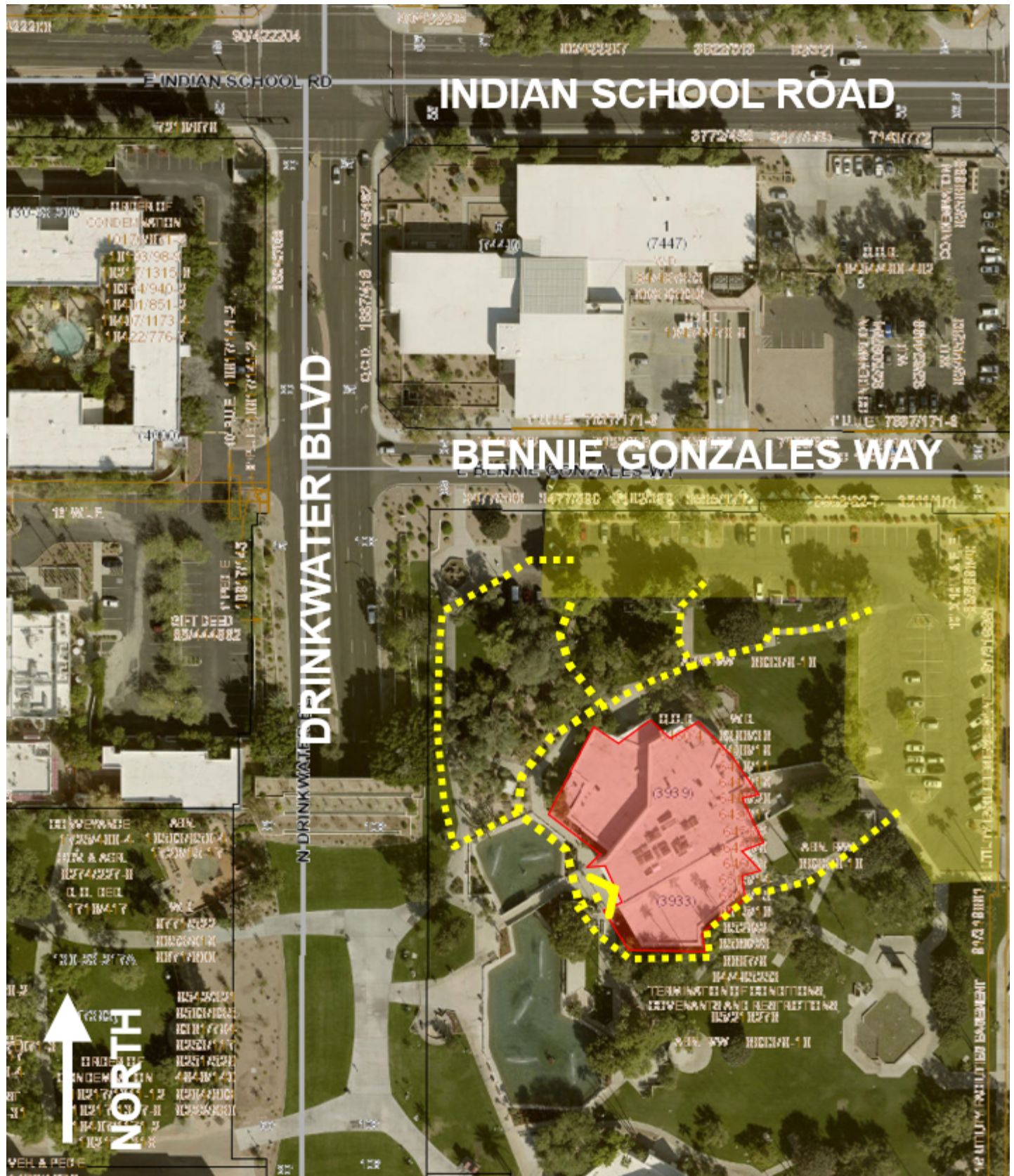
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Sent: Wednesday, August 18, 2021 6:21 PM
To: Murillo, Jesus
Subject: Fwd: DRB updated powerpoint
Attachments: DRB Powerpoint.pptx

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From: Julianne La Porte <julilaporte.me@gmail.com>
Date: Wed, Aug 18, 2021 at 6:19 PM
Subject: Fwd: DRB updated powerpoint
To: Tom La Porte <laportet@stifel.com>, Thomas La Porte <etropalmot48@gmail.com>

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From: Julianne La Porte <julilaporte.me@gmail.com>
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Sent: Wednesday, August 18, 2021 5:48 PM
To: Murillo, Jesus
Subject: Automatic reply: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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- I am out of the office on Trial in Florida till 8/23. You can call my cell (914-584-9187) 24/7 and/or leave me an email and I wil reach back out as I can.
- For asap help call Taylor Allin at 480-290-3989 (taylor.allin@wilsonelser.com).
- Thank you for you understanding and you all stay safe!

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at www.wilsonelser.com or refer to any of our offices.

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Submit

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PLEASE SEE FURTHER BELOW MY SIGNATURE FOR A MAP OF THE MEETING LOCATION AND PLACES TO PARK.

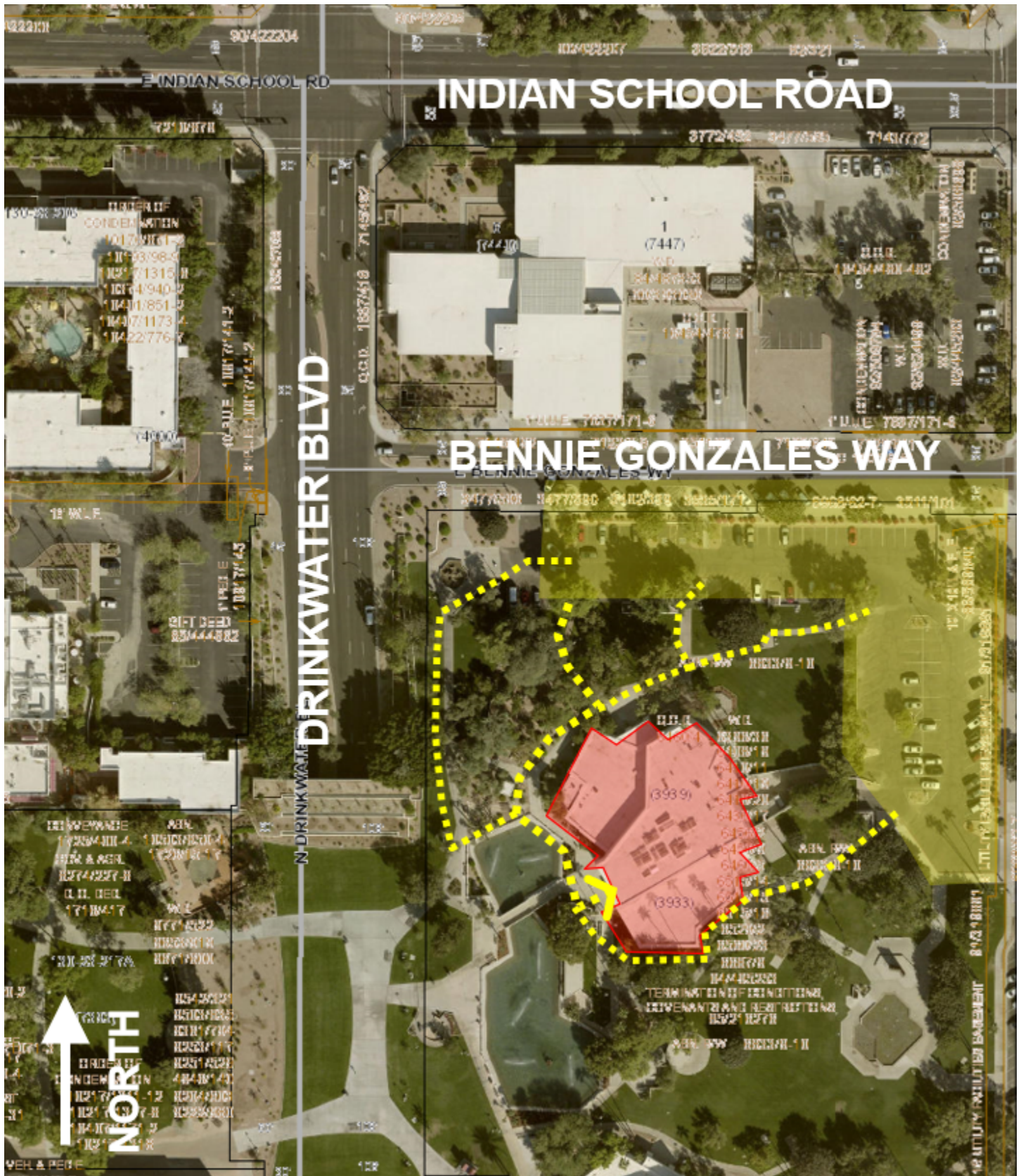
Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!



The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.



Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, August 18, 2021 5:47 PM
To: Murillo, Jesus
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Hello Everyone,

Thank you for your patience while staff confirmed the process for public comment. This email will detail the process for both “in-person” and virtual” participation of the above-mentioned case.

For those that will be attending the meeting **“in-person,”** the Kiva (hearing building) will be set with chairs accommodate the number of residents that have expressed they will be participating in-person. There will also be a conference room in close proximity if there is a larger influx of people. There will be “Spoken Comment” cards available to be filled-out by those that will wish to speak. There will also be “Written Comment” cards for those that wish to have there comments entered, but not wish to speak. Please see the map below my signature for location and possible parking areas.

It may also be a good idea to have a representative to provide comments for a group of people if the comments will be similar in nature.

The Agenda and links have been updated for those that wish to provide their comments via **“virtual participation”**. Please follow this link and submit the request to speak <https://www.scottsdaleaz.gov/boards/development-review-board/spoken-comment>. **You will receive a follow-up email with the phone number to call to join the meeting and additional instructions.**

You have until ninety (90) minute prior to the 1:00 pm hearing time (approximately 11:30 am) to submit a request to speak by phone. Please submit the request as soon as possible.

The link will send you to the following page. Please scroll down to No. 6 (6-DR-2021), fill in the required information, and hit the **“SUBMIT”** button.

Development Review Board Spoken Comment

You will receive a follow-up email with the phone number to call to join the meeting and additional instructions.

The city receives requests from the public and the media to review documents, such as this form, provided to the City and is obligated to release these public records upon request. (A.R.S §39-121, City Charter)

* indicates required field

Agenda Item

Which agenda item would you like to speak on? *

6. 6-DR-2021 DC Ranch Parcel T7 (Arcadia) - Sisso Tree Removal

Please complete a separate form for each item you wish to address.



**Please be sure to scroll to
No. 6 – 6-DR-2021**

Name

Full Name *

Name of group or organization

Contact Information

Phone *

Please provide the number you will be calling from.

Email *

In order to call into the meeting staff will email you the call in number and log-in information at the email address you provide here.

Address

Address Line 1

City *

When you submit a completed form, a PDF document will open with detailed information for the meeting. The meeting call in number and sign in information will be sent to you in a separate email by staff **one hour before the meeting start time.**

Submit

The meeting will be held tomorrow, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature).

PLEASE SEE FURTHER BELOW MY SIGNATURE FOR A MAP OF THE MEETING LOCATION AND PLACES TO PARK.

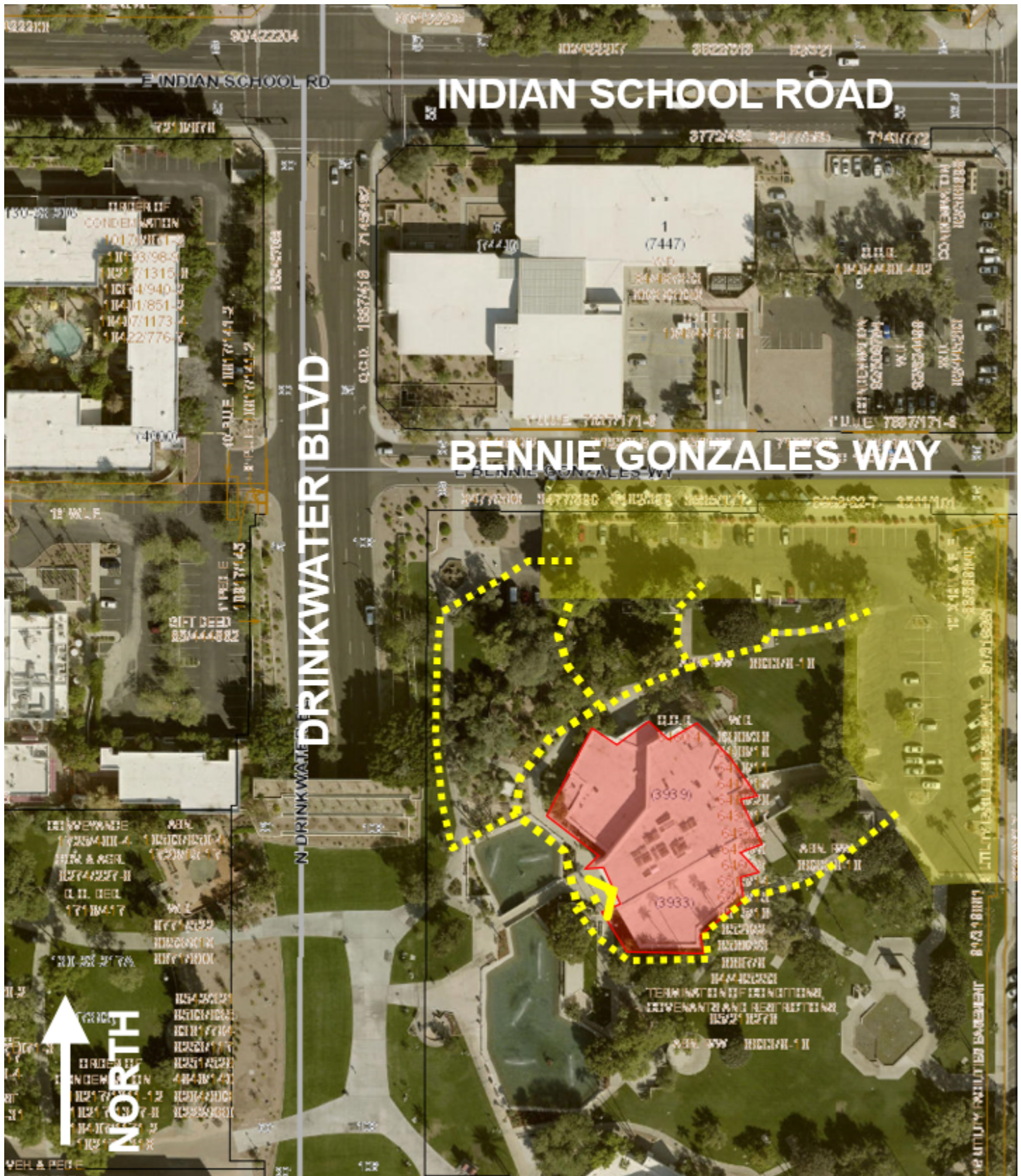
Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
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7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!



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Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, August 18, 2021 5:46 PM
To: Scott Roberts; Development Review Board; City Council
Subject: RE: Save DC Ranch Arcadia Trees

My pleasure – you will receive an additional email in a few minutes for the two processes to participate.

From: Scott Roberts <sroberts@robertscommunities.com>
Sent: Wednesday, August 18, 2021 5:43 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; City Council <CityCouncil@scottsdaleaz.gov>
Subject: Re: Save DC Ranch Arcadia Trees

⚠ External Email: Please use caution if opening links or attachments!

Jesus,

Thank you so much for confirming you received my letter.

Scott

Roberts Resorts & Communities
T: [480.235.0687](tel:480.235.0687)
Building CommunityFulfilling Dreams
robertsresorts.com
robertscommunities.com



From: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Date: Wednesday, August 18, 2021 at 8:06 AM
To: Scott Roberts <sroberts@robertscommunities.com>, Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>, City Council <CityCouncil@scottsdaleaz.gov>
Subject: RE: Save DC Ranch Arcadia Trees

Hello Mr. Roberts,

Thank you for your comments, and wanted to confirm that your comments were also directed to the Development Review Board and the City Council. I reviewed your letter, and will be sure it is provided to the DRB the day of the hearing.

Your previous email was included to the DRB in staff's report.

Sincerely,

From: Scott Roberts <sroberts@robertscommunities.com>
Sent: Tuesday, August 17, 2021 1:00 PM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Council <CityCouncil@scottsdaleaz.gov>
Subject: Save DC Ranch Arcadia Trees

⚠ External Email: Please use caution if opening links or attachments!

Dear City of Scottsdale,

I sure hope you take time to review attached letter about my opposition in DC Ranch cutting down our private trees.

Roberts Resorts & Communities

T: [480.235.0687](tel:480.235.0687)

Building CommunityFulfilling Dreams

robertsresorts.com

robertscommunities.com



Murillo, Jesus

From: Scott Roberts <sroberts@robertscommunities.com>
Sent: Wednesday, August 18, 2021 5:43 PM
To: Murillo, Jesus; Development Review Board; City Council
Subject: Re: Save DC Ranch Arcadia Trees

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Scott

Roberts Resorts & Communities

T: [480.235.0687](tel:480.235.0687)

Building CommunityFulfilling Dreams

robertsresorts.com

robertscommunities.com



From: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Date: Wednesday, August 18, 2021 at 8:06 AM
To: Scott Roberts <sroberts@robertscommunities.com>, Development Review Board
<DevelopmentReviewBoard@Scottsdaleaz.gov>, City Council <CityCouncil@scottsdaleaz.gov>
Subject: RE: Save DC Ranch Arcadia Trees

Hello Mr. Roberts,

Thank you for your comments, and wanted to confirm that your comments were also directed to the Development Review Board and the City Council. I reviewed your letter, and will be sure it is provided to the DRB the day of the hearing.

Your previous email was included to the DRB in staff's report.

Sincerely,

Jesús

From: Scott Roberts <sroberts@robertscommunities.com>
Sent: Tuesday, August 17, 2021 1:00 PM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Council <CityCouncil@scottsdaleaz.gov>
Subject: Save DC Ranch Arcadia Trees

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I sure hope you take time to review attached letter about my opposition in DC Ranch cutting down our private trees.

Roberts Resorts & Communities

T: [480.235.0687](tel:480.235.0687)

Building CommunityFulfilling Dreams

robertsresorts.com

robertscommunities.com



Murillo, Jesus

From: Ray Lucchesi <raylucchesi1@gmail.com>
Sent: Wednesday, August 18, 2021 4:52 PM
To: Murillo, Jesus; City Council; Development Review Board
Subject: Petition Update & DRB request | 6-DR-2021 | Arcadia at Silverleaf
Attachments: Arcadia at Silverleaf_DRB petition_8-18-21.pdf

 **External Email: Please use caution if opening links or attachments!**

Ladies and Gentlemen:

The attached letter contains updated petition results as of 8-18-21. **More than 60% of resident lots support the petition** and object to the applicant's plan currently under City review.

We've also summarized the problem and a more reasonable solution for your consideration.

Sincerely,
Ray Lucchesi
Homeowner, Arcadia at Silverleaf

August 18, 2021

Ray Lucchesi
Homeowner, Arcadia at Silverleaf
9795 E. Kemper Way
Scottsdale, AZ 85255

VIA EMAIL

City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Attn: Jesús Murillo, City Council, Development Review Board

jmurillo@scottsdaleaz.gov

Citycouncil@scottsdaleaz.gov

DevelopmentReviewBoard@ScottsdaleAz.gov

Re: Homeowner Majority Petition Against Tree Removal | updated 8-18-21
Case: 6-DR-2021 (DC Ranch, Arcadia at Silverleaf)

Ladies and Gentlemen:

Homeowners have increased support of the petition against destroying 670 of their private property street trees without their consent and receiving a multi-million dollar bill to pay for it. Updated petition results are attached along with a concise summary of our request of the DRB, the problem, and a reasonable solution.

1. Petition support above 60%: 75 of 123 lots object to the plan currently under City review.
2. Homeowners' request of the DRB:
 - **Vote to Deny applicant's request for wholesale tree removal.**
 - Suggest the applicant work with homeowners on a more reasonable solution.
 - Vote to continue the case if a reasonable resolution cannot be established at the time of the hearing.
3. Applicant's problem and motive to destroy
 - CC&Rs give street tree maintenance responsibility to the Association.
 - Association ignored proper maintenance and abrogated **insurance coverage that might have been available.**

- Association faces liability for damages per DC Ranch Governing Documents:

Article VII of the Declaration

The Association shall not be liable for any damage or injury occurring on or arising out of the condition of property which it does not own except to the extent that it has been negligent in the performance of its maintenance responsibilities.

- The only 2 options given to owners was a reneged contract a.) remove all trees or b.) keep trees only if owners assume maintenance and liability with indemnifications.
 - The only option given to DRB is removal of trees, another contract renege of the approved original design.
 - Motive: absolve negligence and liability by eradicating trees.
4. Solution: Consulting arborist Tim Johnson and other tree experts insist proper maintenance is the solution, and **lack of a proactive tree management plan** is the largest contributing factor for past, present, and future issues. A reasonable solution includes:
- a. In-depth Level 3 Assessment of all trees providing facts, not speculation
 - b. Identification of the minority of trees in problem areas that need targeted management or removal
 - c. Comprehensive management plan with written specifications for the majority of trees

The Association does not have the support, consent, or approval of the neighborhood – nor does it have the legal authority -- to remove these 670 private property trees and the Association has not attempted to adequately address the legitimate concerns of the neighbors regarding this matter.

Please vote to deny the association's application.

Sincerely,

Ray Lucchesi

**Petition
Homeowners of Arcadia at Silverleaf
August 5, 2021**

The following homeowners state the following:

1. I am an owner of real property in the Arcadia at Silverleaf neighborhood, legally known as DC Ranch Parcel T7 (referred to herein as the “Arcadia Neighborhood”);
2. The Amended and Restated Supplemental Declaration of Covenants, Conditions and Restrictions (the “Amended CCRS”) for the Arcadia Neighborhood were filed on April 1, 2005;
3. Pursuant to Section 8 of the Amended CCRS, the DC Ranch Association (the “HOA”) was made legally responsible for maintaining the street trees that are privately owned on each parcel in the Arcadia Neighborhood;
4. I oppose the application of the HOA to the City of Scottsdale to remove 670 mature trees from the Arcadia Neighborhood;
5. I respectfully request the HOA to comply with the Amended CCRS to create a root maintenance plan and implement such plan with respect to all trees in the Arcadia Neighborhood.

Respectfully submitted,

Homeowner Name	Address	Lot No.

**Homeowners in support of the petition
as of August 18, 2021**

#	Lot	Address	Last	First	First
1	3601	18730 N 97th Pl	Crowder	Ross	Greta
2	3602	18764 N. 97th Pl	Arcadia Properties LLC		
3	3603	18802 N. 97th Pl	Curry	Tasha	John
4	3607	18946 N. 97th Pl	Connors	Nicole	Tim
5	3610	19054 N. 97th Pl	Knight	Sydney	Kevin
6	3614	19212 N. 98th Pl	Lammot	Stacey	Tom
7	3616	19296 N. 98th Pl	Zimmerman	Michael	
8	3618	19372 N. 98th Place	Zuccarello	Dean	Kim
9	3620	19452 N. 98th Place	Hamelink	Craig	Rebecca
10	3622	19499 N 98th Place	McKee	Jay	
11	3623	19481 N. 98th Pl	Rogers	Russell	Anita
12	3625	19465 N. 98th Place	Smith	Jerry	Lisa
13	3628	9848 E. Parkside Ln	Gage	Jennifer	
14	3630	19394 N. 99th St.	Ruggiero	Lisa	
15	3632	9882 E. Toms Thumb	Chasse	Barry	Rikki
16	3633	9904 E. Toms Thumb	Roberts	Scott	
17	3634	9926 E. Toms Thumb	Roberts	Scott	
18	3635	9948 E. Tom's Thumb	Sugidono	Dawne	Josh
19	3636	19465 N. 98th Place	Smith	Peter	
20	3637	9986 E. Toms Thumb	Schmock	Richie	Rachael
21	3638	9979 E. Toms Thumb	Lasky	Daren	
22	3639	9953 E. Toms Thumb	Beason	Greg	Kelly
23	3642	19445 N 99th St	Gray	Steve	Sally
24	3645	9908 E. Kemper Way	Larson	Luke	Kristen
25	3647	9943 E. Kemper Way	Harkless	Jeff	Tobie
26	3649	9901 E. Kemper Way	Miraglia	Blake	Lori
27	3650	9887 E. Kemper Way	Flamino	Louis	Aida
28	3653	9830 E. Kemper Way	Grob	Nancy	Dan
29	3654	9817 E. Parkside Ln	Olson	Shawn	Jill
30	3655	9785 E. Parkside Ln	Poole	Tina	John
31	3657	19225 N. 98th St	Stone	Lisa	
32	3659	19141 N. 98th Pl	Kaplan	Abby	David
33	3660	9774 E. Kemper Way	Williamson	Steve	Nicole
34	3661	9786 E. Kemper Way	Moore	Scott	Sheena
35	3665	9795 E. Kemper Way	Lucchesi	Ray	Amy
36	3666	19083 N 98th Way	Kozak	Charlie	Regilyn

37	3668	19106 N 99th Street	Rahden	Andy	
38	3670	19149 N 99th Street	Schreiber	Brian	Tracy
39	3672	19067 N. 99th St.	Daugherty	Nick	Loren
40	3673	19025 N. 99th St.	Sabean	Brian	Amanda
41	3674	18983 N. 99th St.	Zyadet	Rania	John
42	3675	18941 N 99th St.	Attal	Kristie	Alan
43	3676	9089 E. Legacy Ln	Brodth	Zack	Marisa
44	3677	9871 E. Legacy Ln	Hazar	Thomas	
45	3678	9855 E. Legacy Ln.	Anderson	Scott	Heather
46	3679	9849 E. Legacy Ln	Goshkarian	Wayne	
47	3682	9793 E. Legacy Ln.	Petelin	Paul	Jess
48	3683	9781 E Legacy Ln.	Woudenberg	Dana	Kelly
49	3686	9898 E. Legacy Ln.	Meadows	Bill	Jan
50	3684	9814 E. Legacy Ln.	Roberts	Scott	Lauren
51	3687	18940 N. 99th St.	Salcito	Anthony	Rebecca
52	3689	19024 N. 99th St.	D'Souza	Sean	Brandi
53	3691	18967 N. 98th Way	Lanter	Steve	Emily
54	3693	18903 N. 98th Way	Clayton	Cindy	Marshall
55	3694	9782 E. Legacy Ln.	Steinfeld	Joseph	Jodi
56	3699	19076 N. 98th Way	Desmarteau	Dustin	Kaycee
57	3703	18961 N. 98th St	Del Gatto	Brian	Jo Lynn
58	3704	18945 N. 98th St	Glauser	Ron	Valerie
59	3705	18909 N. 98th St	Clary	Jim	Sheila
60	3706	18877 N. 98th St	La Porte	Tom	
61	3707	18852 N 98th St.	Farnham	Lucas	Allyson
62	3708	18884 N 98th St	Hertzberg	George	
63	3709	18916 N. 98th St	Isner	Josh	
64	3710	18948 N. 98th St	Reiman	Lori	Eric
65	3711	18974 N. 98th St	McCracken	Gary	Regina
66	3712	19005 N. 97th Place	Roberts	Cindy	CA
67	3713	18967 N 97th Place	Morrow	Pia	Dean
68	3714	18931 North 97th Place	Carter	Joey	Ivanka
69	3715	18893 N. 97th Pl	Searle	GP	Stacy
70	3716	9694 E. Legacy Ln	White	Kelley	Duncan
71	3717	18819 N 97th Pl	Morris	Greg	Stacy Vlachos
72	3718	18781 N 97th Place	Torczone	Jeff	Sunshine
73	3719	18745 N. 97th Place	Anderson	Derek	Mallorie
74	3720	18750 N. 97th Way	Lin	Clare	
75	3722	18821 N. 97th Way	Hsu	Connie	

Murillo, Jesus

From: Castro, Lorraine
Sent: Wednesday, August 18, 2021 4:42 PM
To: Murillo, Jesus
Subject: here you go you can change some of the wording
Attachments: 08-19-21_Amended_Agenda.pdf

I have attached a copy of the agenda and highlighted on the second page where they would click to speak on the agenda item through Zoom.

https://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2021-agendas/08-19-21_Regular_Agenda.pdf

Once we received that we will send instructions on what will happen that day of the meeting.

The people that fill out a request to speak card will be let into the meeting to state their comment and then they need to leave. They can listen to it on Channel 11 if they have Cox or can stream it online at the following link. We can only have ten people waiting on the line at a time so as soon as they are done we need to hang that line up for the next person.

<https://www.scottsdaleaz.gov/scottsdale-video-network/live-stream> and hit the play button at 1:00 pm

Lorraine Castro

Planning Specialist
City of Scottsdale
Lcastro@ScottsdaleAZ.gov
480-312-7620

[PLANNING AND DEVELOPMENT SERVICES](#)

[HTTPS://ESERVICES.SCOTTSDALEAZ.GOV/BLDGRESOURCES](https://eservices.scottsdaleaz.gov/bldgresources)

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Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, August 18, 2021 4:29 PM
To: La Porte, Tom
Subject: RE: [EXTERNAL] DRB PowerPoint

Our system administrators do not allow for outside hardware to be connected to our system. The most that our IT departments allow is a pre-approved Kingston thumb drive. You will have control of the presentation you provided me from podium.

From: La Porte, Tom <laportet@stifel.com>
Sent: Wednesday, August 18, 2021 3:16 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Re: [EXTERNAL] DRB PowerPoint

⚠ External Email: Please use caution if opening links or attachments!

Can we hook up our own laptop?

From: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Date: Wednesday, August 18, 2021 at 2:39:11 PM
To: "La Porte, Tom (Phoenix)" <laportet@stifel.com>
Subject: RE: [EXTERNAL] DRB PowerPoint

Thank you Sir – it worked just fine. We can take tweaks until end of day today. Tomorrow, we will try, but it will be a crazy morning.

From: La Porte, Tom <laportet@stifel.com>
Sent: Wednesday, August 18, 2021 12:43 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: FW: [EXTERNAL] DRB PowerPoint

⚠ External Email: Please use caution if opening links or attachments!

Power Point for tomorrow. May have a few minor changes .

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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Murillo, Jesus

From: Crystal Rivera <crivera@dessauleslaw.com>
Sent: Wednesday, August 18, 2021 4:16 PM
To: Murillo, Jesus
Cc: Jon Dessaules; Hilary Narveson
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Good afternoon,

I called you earlier and left a voicemail. Regarding the hearing tomorrow at 1:00 p.m., Mr. Dessaules will be appearing in person.

Please let us know if you need anything else.

Thank you,
Crystal

Crystal Rivera

Legal Assistant



5343 North 16th Street, Suite 200
Phoenix, Arizona 85016
602.274.5400 tel.
602.753.3874 direct
602.274.5401 fax
crivera@dessauleslaw.com

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From: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Subject: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)
Date: August 3, 2021 at 4:54:46 PM MST
To: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>

Good Afternoon Everyone,

Again, you are receiving this email because you have expressed interest in the above-mentioned case.

Currently, most of our public hearings are conducted in a multi-participatory manner. The Development Review Board hearings allow for in-person and virtual participation for people who wish to provide their comments on a scheduled item. There are limits to the number of people in each of these means of participation at one time. I am hoping you would be willing to contact me and let me know in which manner you are looking to participate, so that I can better prepare to accommodate all those that wish to provide their comments, other than via email. I am trying to get a feel for how many people will look to participate in person, and how many will look to participate on-line (virtually).

This information will better help me try to make sure everyone gets their voice heard.

I wanted to reiterate that all correspondence received up to this moment will be provided to the Development Review Board in staff's report. You may also send me additional correspondence to add to the report (up until this Thursday).

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Staff will create a link for the virtual meeting, and I will forward that link to this group.

I look forward to hearing from you.

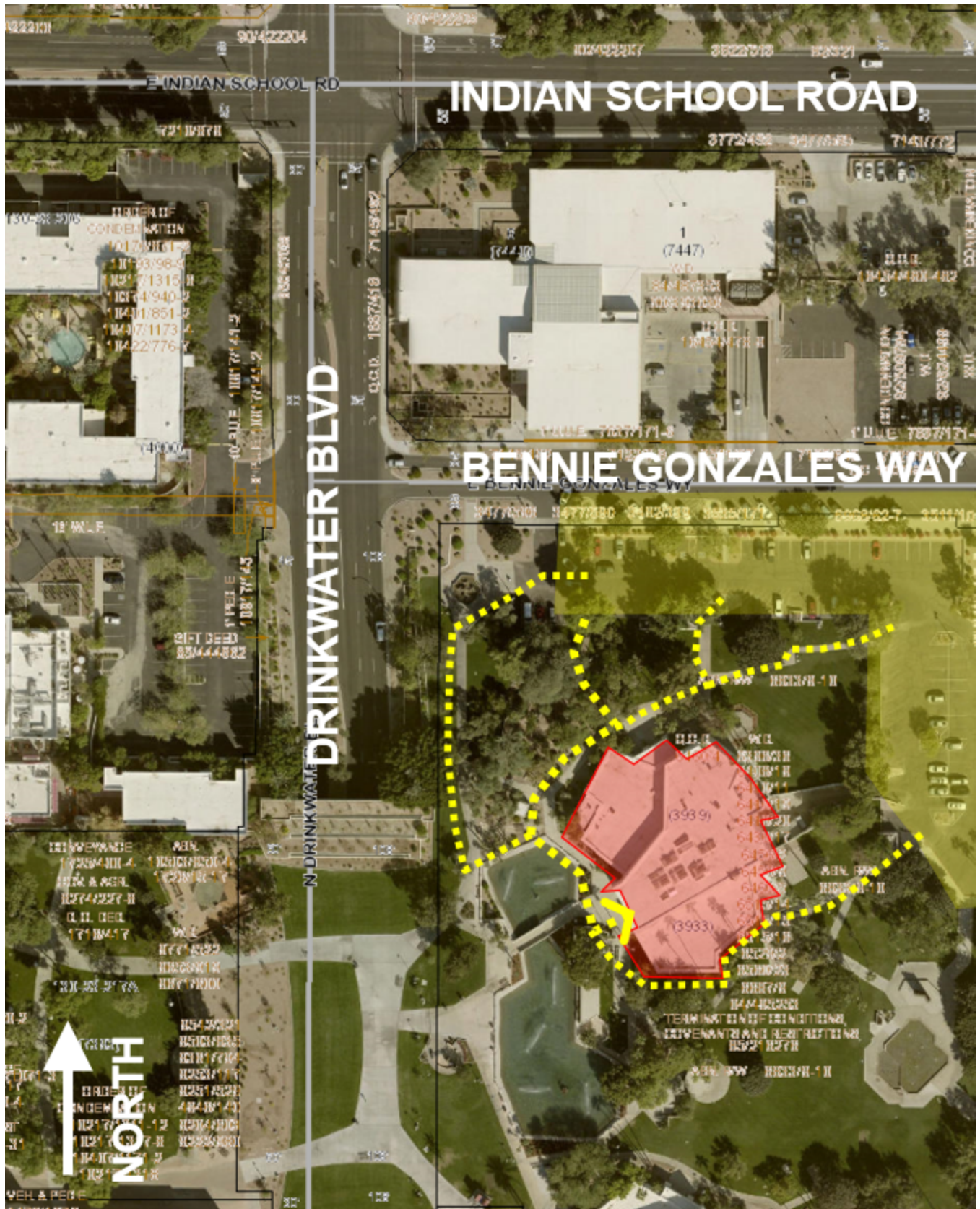
Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!



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Murillo, Jesus

From: pia morrow <piamorrow@gmail.com>
Sent: Wednesday, August 18, 2021 4:07 PM
To: Schilling, Bethany; City Council
Cc: Murillo, Jesus
Subject: Re: Petition & DRB request | 6-DR-2021 | DC Ranch, Arcadia at Silverleaf

⚠ External Email: Please use caution if opening links or attachments!

I will be at the hearing tomorrow and appreciate. Thank you for your prompt response to include this in the proposal.

Kindly,
Pia

From: "Schilling, Bethany" <BSchilling@Scottsdaleaz.gov>
Date: Wednesday, August 18, 2021 at 4:04 PM
To: pia morrow <piamorrow@gmail.com>, City Council <CityCouncil@scottsdaleaz.gov>
Cc: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Subject: RE: Petition & DRB request | 6-DR-2021 | DC Ranch, Arcadia at Silverleaf

Good Afternoon Mrs. Morrow,

Thank you for reaching out to City Council to express your concern for the Sisso tree removal proposal. This is currently on the agenda for the Development Review Board public hearing on August 19th, 2021. The staff coordinator for the proposal, Jesus Murillo, is cc'd to ensure your email will be included with all public comment.

Please consider following the link below if you would like more information on the proposal.

6-DR-2021-Sisso Tree Removal: [City of Scottsdale - Case Info Sheet \(scottsdaleaz.gov\)](https://www.scottsdaleaz.gov/citycouncil/cases/6-DR-2021-Sisso-Tree-Removal)

Again, thank you for contacting City Council with your concerns, have a good day.

Very Respectfully,

Bethany Schilling
Management Assistant to the Mayor and City Council
Office of Mayor David D. Ortega
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251
Phone: 480.312.7977
Email: bschilling@scottsdaleaz.gov

From: pia morrow <piamorrow@gmail.com>
Sent: Wednesday, August 18, 2021 4:00 PM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: Petition & DRB request | 6-DR-2021 | DC Ranch, Arcadia at Silverleaf

 **External Email: Please use caution if opening links or attachments!**

Hello City Council,

My husband and I moved to Scottsdale from California 3 months ago. We love it here and purchased our home in Arcadia at Silverleaf as we are very fond of the mature trees with the beauty and all the other benefits they provide. We would be devastated to lose an asset like this when there seem to be many attempts from the homeowners to provide solutions to the HOA Board to rectify the issue with the tree roots.

I will be present at the meeting on Thursday and hope for your support which will mean so much to us.

Again, thank you for your consideration and support.

Kind regards,

Pia Morrow
18967 N 97th Place
Scottsdale, AZ 85255
T 714.600.3891

Murillo, Jesus

From: Schilling, Bethany
Sent: Wednesday, August 18, 2021 4:04 PM
To: pia morrow; City Council
Cc: Murillo, Jesus
Subject: RE: Petition & DRB request | 6-DR-2021 | DC Ranch, Arcadia at Silverleaf

Good Afternoon Mrs. Morrow,

Thank you for reaching out to City Council to express your concern for the Sisso tree removal proposal. This is currently on the agenda for the Development Review Board public hearing on August 19th, 2021. The staff coordinator for the proposal, Jesus Murillo, is cc'd to ensure your email will be included with all public comment.

Please consider following the link below if you would like more information on the proposal.

6-DR-2021-Sisso Tree Removal: [City of Scottsdale - Case Info Sheet \(scottsdaleaz.gov\)](https://www.scottsdaleaz.gov/citycouncil/cases/6-DR-2021-Sisso%20Tree%20Removal)

Again, thank you for contacting City Council with your concerns, have a good day.

Very Respectfully,

Bethany Schilling
Management Assistant to the Mayor and City Council
Office of Mayor David D. Ortega
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251
Phone: 480.312.7977
Email: bschilling@scottsdaleaz.gov

From: pia morrow <piamorrow@gmail.com>
Sent: Wednesday, August 18, 2021 4:00 PM
To: City Council <CityCouncil@scottsdaleaz.gov>
Subject: Petition & DRB request | 6-DR-2021 | DC Ranch, Arcadia at Silverleaf

⚠ External Email: Please use caution if opening links or attachments!

Hello City Council,

My husband and I moved to Scottsdale from California 3 months ago. We love it here and purchased our home in Arcadia at Silverleaf as we are very fond of the mature trees with the beauty and all the other benefits they provide. We would be devastated to lose an asset like this when there seem to be many attempts from the homeowners to provide solutions to the HOA Board to rectify the issue with the tree roots.

I will be present at the meeting on Thursday and hope for your support which will mean so much to us.

Again, thank you for your consideration and support.

Kind regards,

Pia Morrow
18967 N 97th Place
Scottsdale, AZ 85255
T 714.600.3891

Murillo, Jesus

From: Castro, Lorraine
Sent: Wednesday, August 18, 2021 3:17 PM
To: Murillo, Jesus
Subject: FW: 6-DR-2021

From: Barry Chasse <BChasse@chasse.us>
Sent: Wednesday, August 18, 2021 2:45 PM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Cc: Barry Chasse <BChasse@chasse.us>
Subject: 6-DR-2021

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I am a resident of Scottsdale for a very long time... I am a past Chairman and Life Director for the Boys & Girls Clubs of Greater Scottsdale. My firm, Chasse Building Team, has built dozens of projects within the City. Anyways, that's who I am...

I share that so you know I am not a crazy person when it comes to the Sissoo tree situation in Silverleaf Arcadia. I have personally tried numerous times to engage in productive conversations with the HOA and the Board in efforts to arrive at a consensus solution we can all live with. I have never been in such a harsh environment where the HOA and the Board has blatant disregard and no desire to allow our neighborhood to propose multiple solutions that can work to maintain our beautiful neighborhood environment. The HOA has used fear tactics, and basically bullied their way through the process in order to have the illusion they had healthy neighborhood engagement.

I ask you to delay this issue and insist on a collaborative process between the homeowners and the HOA. This is a pure liability minimization for the HOA at the expense of the property values of our small but beautiful neighborhood. At this point, DRB approval is all that is left for the HOA to continue ramrodding this horrible solution to our neighborhood. The current Executive at our HOA is resigning and has been quite a polarizing figure. We hope new leadership will allow us to arrive at a win/win for all.

The DRB did their job when they approved this community in the early 2000's and it has come to fruition with a beautiful community. The HOA was negligent in conducting normal tree maintenance and now is trying to eliminate their liability. Eradicating 600+ trees is absolutely not the only option as the HOA has presented. This has the potential of becoming an environmental PR nightmare for all. Please let common sense prevail... there must be and there is a better way!!!

Thanks you for your service and for your consideration! I am fully available for a conversation at any time.

Sincerely,
Barry & Rikki Chasse
Silverleaf Arcadia Resident

Barry Chasse
CHASSE Building Team
230 S Siesta Lane, Tempe, AZ 85281

O 480 425 7777
C 602 448 1675

Check out how we're building to make a difference!

[Blog](#) / [Facebook](#) / [LinkedIn](#) / [Twitter](#) / [Instagram](#)

Murillo, Jesus

From: La Porte, Tom <laportet@stifel.com>
Sent: Wednesday, August 18, 2021 3:16 PM
To: Murillo, Jesus
Subject: Re: [EXTERNAL] DRB PowerPoint

⚠ External Email: Please use caution if opening links or attachments!

Can we hook up our own laptop?

From: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Date: Wednesday, August 18, 2021 at 2:39:11 PM
To: "La Porte, Tom (Phoenix)" <laportet@stifel.com>
Subject: RE: [EXTERNAL] DRB PowerPoint

Thank you Sir – it worked just fine. We can take tweaks until end of day today. Tomorrow, we will try, but it will be a crazy morning.

From: La Porte, Tom <laportet@stifel.com>
Sent: Wednesday, August 18, 2021 12:43 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: FW: [EXTERNAL] DRB PowerPoint

⚠ External Email: Please use caution if opening links or attachments!

Power Point for tomorrow. May have a few minor changes .

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, August 18, 2021 2:39 PM
To: La Porte, Tom
Subject: RE: [EXTERNAL] DRB PowerPoint

Thank you Sir – it worked just fine. We can take tweaks until end of day today. Tomorrow, we will try, but it will be a crazy morning.

From: La Porte, Tom <laportet@stifel.com>
Sent: Wednesday, August 18, 2021 12:43 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: FW: [EXTERNAL] DRB PowerPoint

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Murillo, Jesus

From: La Porte, Tom <laportet@stifel.com>
Sent: Wednesday, August 18, 2021 12:43 PM
To: Murillo, Jesus
Subject: FW: [EXTERNAL] DRB PowerPoint
Attachments: DRB Powerpoint.pptx

⚠ External Email: Please use caution if opening links or attachments!

Power Point for tomorrow. May have a few minor changes .

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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**SAVE
OUR
TREES**



City of Scottsdale Design Principles

Development Review Board adoption - 1999 - 2003

KEY POINTS:

1. Landscape design should consider foremost the unique qualities, and common built and natural aesthetic characteristics, of a project's surroundings.
2. Right-of-way planting should conform to established or planned streetscape designs of the City or that of privately planned areas.
3. Base planting areas should be incorporated along all building and parking structure frontages. Base planting areas can occur as raised or in-ground planters.
4. Canopy trees should be used throughout all paved circulation/parking areas and in association with pedestrian paths and gathering areas to provide shade, reduce heat build-up, and cut glare.
5. Parking areas should be broken up with landscaping. Pedestrian corridors through parking areas should have a minimum width of 15 feet and be composed of landscaping with a minimum 5-foot wide sidewalk.
6. A combination of dense landscaping, site walls, or berming/mounding should be provided to screen parking facilities, service and loading areas, maintenance areas, storage areas, trash enclosures, utility cabinets, and other similar elements.
7. Plants should be selectively pruned to maintain an appearance that exhibits the qualities and characteristics of the plant in its natural state. Shrub plantings should be located to form a mass by allowing plants to grow together.



Learning To Ride

Temperature Study

Wednesday August 4th @ 3:30pm

Air Temp

111 Degrees



Legacy Road

155 degrees



Pathway into Arcadia

123 degrees



Shaded 98th Street

120 degrees



Sunny side of house

174 degrees



Shaded side of house

115 degrees



Shaded Park

93 degrees

Environmental Impact

- ❖ Silverleaf Arcadia (Arcadia) may be the best example of adherence to the Design Principle in the City of Scottsdale.
- ❖ Shade canopy provides:
 - ❖ Active gathering spots for the residents.
 - ❖ Heavily shaded streets and pathways encouraging residents to circulate through the neighborhood.
 - ❖ Creates a vibrant and meaningful sense of community.

Environmental Impact

- ❖ Heavy Shade Canopy has produced a “micro-climate”
 - ❖ Street temperatures up to 35 degrees cooler than surrounding areas during the summer
 - ❖ Homes are protected from summer heat by lush shade canopy
 - ❖ Removal could cause 30% increase in energy usage and water consumption.

Environmental Impact

► The Audubon Society has stated:

“Removal of the trees during the nesting and nursing cycle of March through September could be devastating to the bird population.”

❖ Peace & Tranquility

- ❖ Removal of 670 trees in 13 phases will disrupt the neighborhood for years.
- ❖ Noise pollution caused by heavy equipment; saws will affect quality of life.
- ❖ Air quality will diminish from the dust and dirt.

Environmental
Impact

Financial Impact

- The original cost projections by the HOA for the removal and replacement of 670 trees is approximately \$2.5-3 million dollars or approximately an assessment of \$25,000/resident.
- The website <https://plowboylandscapes.com/landscape-construction/> estimates the cost of a 48' box tree to be \$2200. The cost to remove a 50' tree averages \$1200. The cost to just remove and replace, is approximately \$2.3 million.

Financial Impact

- Irrigation, landscaping, repairs and ongoing root maintenance could easily increase the overall cost by hundreds of thousands of dollars.
- The residents have asked the HOA to secure an appraisal of potential impact on property values, but they have refused.
- Unofficial estimates by local realtors has indicated at least a decline of \$100,000 in appraised home values.

Lost Property Value Estimate

\$12,3000,000

Financial Impact


- FAILED –The HOA has NOT provided the residents with a report on the cost of damages caused by the public trees to date.
- FAILED - The HOA has NOT secured an appraisal or report on potential impact of property values.
- FAILED – The HOA has NOT completed any root maintenance for over 20 years.

Financial Impact

- FAILED – The HOA has NOT secured a study to determine the cost of energy increases to the residents of Arcadia.
- FAILED – The HOA has NOT provided a cost estimate on the potential need for additional landscaping in the private areas where trees are to be removed.

Darren Shaw

Creating a Playbook for the future?



Creating a playbook for the future
By Darren Shaw | Executive Director

On Aug. 20, the Ranch Association on 20th and Directors will host a day-long planning session to set goals and objectives for the ensuing year. The general areas of discussion and consideration will center on the following areas of responsibility: Fiscally responsible management of all resources, service standards, short and long-term planning and maintaining and enhancing the physical and organizational infrastructure. From this session, Directors will develop a meaningful playbook to guide the next 12 to 18 months. From last year's August planning session, the Ranch Association put the following objectives into play:

- Establishing a street tree maintenance program for Desert Parks (*one of the five neighborhoods will start this year*)
- **Develop solar installation policy for single family homes**
- Locate and identify suitable land for the Association's maintenance facility (*under way*)
- Improve NVM training program (*complete*)
- Consider implementing Firewise program (*underway*)
- Competitively bid security services contract (*underway*)
- Review and revise Community Standards for Landscape (*underway*)
- Develop three-year plan
- Update risk management plan
- Prepare for additional sub-association management opportunities (*underway*)

Maintenance?



Should we remove everything?



- ❖ With a strong “Green movement” sweeping the country it is inconceivable, irresponsible and tone deaf to propose mowing down 670 mature healthy trees.
- ❖ A cost/benefit analysis, considering the environmental, financial and communal impact, should be done before the HOA’s proposal moves forward.
- ❖ An HOA should listen and engage the residents in a thoughtful discussion to resolve issues in a community, not mow them over with their unfettered power.
- ❖ Any 60 foot tree planted within 6-10 feet of streets or pathways will eventually have root issues.
- ❖ This is a large tree issue, not just a Sissoo issue.
- ❖ The Resident’s have asked the Board to do a ground radar survey of the tree roots determine what trees may be problematic, instead of tearing out 670 mature, healthy trees, most of which are not threat now or in the future. The HOA refused.
- ❖ We urge this review board to deny the petition to remove/replace the Sissoo Trees.

Final Considerations

Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, August 18, 2021 8:07 AM
To: Scott Roberts; Development Review Board; City Council
Subject: RE: Save DC Ranch Arcadia Trees

Hello Mr. Roberts,

Thank you for your comments, and wanted to confirm that your comments were also directed to the Development Review Board and the City Council. I reviewed your letter, and will be sure it is provided to the DRB the day of the hearing.

Your previous email was included to the DRB in staff's report.

Sincerely,

Jesús

From: Scott Roberts <sroberts@robertscommunities.com>
Sent: Tuesday, August 17, 2021 1:00 PM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Council <CityCouncil@scottsdaleaz.gov>
Subject: Save DC Ranch Arcadia Trees

⚠ External Email: Please use caution if opening links or attachments!

Dear City of Scottsdale,

I sure hope you take time to review attached letter about my opposition in DC Ranch cutting down our private trees.

Roberts Resorts & Communities

T: [480.235.0687](tel:480.235.0687)

Building CommunityFulfilling Dreams

robertsresorts.com

robertscommunities.com



Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, August 18, 2021 7:57 AM
To: alan a; City Council; Development Review Board
Subject: RE: Reference case 6-DR-2021

Hello Mr. Attal,


I wanted to confirm that I will provide this particular email to the DRB the day of the hearing, but it is too late to include in the report. I did want to mention that your previous email was included in the report provided to the DRB. I will provide next steps for the hearing by today.

Sincerely,

Jesús

-----Original Message-----

From: alan a <web@flzen.com>
Sent: Wednesday, August 18, 2021 7:33 AM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board
<DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Reference case 6-DR-2021

 External Email: Please use caution if opening links or attachments!

To whom it may concern,

I am a homeowner in DC Ranch, Arcadia at Silverleaf (18941 N. 99th Street / lot 3675) and understand that there is a hearing on August 19th to vote on the removal of 670 trees in our neighborhood.

The HOA does not have my support, consent, nor approval to remove the trees and has done a terrible job of communication and addressing our concerns on this matter. As you have been made aware, the majority of the homeowners strongly oppose the association's plan.

I ask that you deny the HOA's request to remove the trees and have the HOA comply with the Amended CCRS to create a root maintenance plan and implement that plan with respect to all the trees in the Arcadia neighborhood.

Sincerely,

Alan Attal
305-915-8188

Murillo, Jesus

From: Castro, Lorraine
Sent: Wednesday, August 18, 2021 7:53 AM
To: Murillo, Jesus
Subject: FW: Development Review Board Public Comment (response #410)

From: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Sent: Tuesday, August 17, 2021 5:16 PM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Subject: Development Review Board Public Comment (response #410)

Development Review Board Public Comment (response #410)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Development Review Board Public Comment
URL:	https://www.scottsdaleaz.gov/boards/development-review-board/public-comment
Submission Time/Date:	8/17/2021 5:14:52 PM

Survey Response

COMMENT	
Comment:	<p>Arcadia at Silverleaf Sissoo Tree Matter Scottsdale City Council; I am a homeowner in the DMB Development, Arcadia at Silverleaf. I am very aware of the tree debate the has inflamed our neighborhood for some time. I attended the first meeting where residents were first introduced to the problem with the Sissoo trees. First I want to say I support and trust the decision of the HOA Board and Commission. This has not been an easy problem to solve and they are doing so in the best interest of our neighborhood. It is disappointing to see the trees removed as they were an important factor in residing in my current home. However, I have witnessed the destruction the trees on my property have caused as well as the trees my neighbor has. They removed 3 Sissoo trees in their backyard years ago and I still deal with the root system in my backyard. Quite often my landscaper and myself have to deal with the problem roots have inflicted on the sprinkler system, pavers, vegetation and even the decorative pots. I believe it is in the best interest of our neighborhood to replace the trees and rid the problem</p>

	<p>of these destructive trees. As beautiful as they are, the liability and maintenance is expensive and risky. I cannot imagine the problems we will encounter 5 years from now. Once again, I support the direction/decision of our Board and hope this neighborhood will get this matter behind us and come together again. Thanks for your time and attention on this matter.</p>
<p>Comments are limited to 8,000 characters and may be cut and pasted from another source.</p>	
<p>PLEASE PROVIDE YOUR NAME:</p>	
First & Last Name:	Craig Rock
<p>AND ONE OR MORE OF THE FOLLOWING ITEMS:</p>	
Email:	craig@pt-corp.com
Phone:	(480) 596-9447
Address:	18925 N. 98th Way
<p>Example: 3939 N. Drinkwater Blvd, Scottsdale 85251</p>	

Murillo, Jesus

From: alan a <web@flzen.com>
Sent: Wednesday, August 18, 2021 7:33 AM
To: City Council; Development Review Board; Murillo, Jesus
Subject: Reference case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

To whom it may concern,

I am a homeowner in DC Ranch, Arcadia at Silverleaf (18941 N. 99th Street / lot 3675) and understand that there is a hearing on August 19th to vote on the removal of 670 trees in our neighborhood.

The HOA does not have my support, consent, nor approval to remove the trees and has done a terrible job of communication and addressing our concerns on this matter. As you have been made aware, the majority of the homeowners strongly oppose the association's plan.

I ask that you deny the HOA's request to remove the trees and have the HOA comply with the Amended CCRS to create a root maintenance plan and implement that plan with respect to all the trees in the Arcadia neighborhood.

Sincerely,

Alan Attal
305-915-8188

Murillo, Jesus

From: Murillo, Jesus
Sent: Tuesday, August 17, 2021 6:00 PM
To: Scott Anderson
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Thank you. I will be sending the link soon.

From: Scott Anderson <j_scottanderson@yahoo.com>
Sent: Tuesday, August 17, 2021 2:50 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

I apologize for the late response. I will attempt to participate virtually.

Scott anderson.

[Sent from Yahoo Mail for iPhone](#)

On Thursday, August 12, 2021, 6:20 PM, Murillo, Jesus <JMurillo@ScottsdaleAz.Gov> wrote:

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

As stated before, the Development Review Board (DRB) public hearings are conducted in a multi-participatory manner. The Development Review Board hearings allow for in-person and virtual participation for people who wish to provide their comments on a scheduled item. Staff is working on steps to be ensure everyone's voice is heard under both of these means of participation.

I wanted to thank all of those that have contacting me identifying how they planned on participating in the hearing process. This has helped staff better prepare to accommodate all those that wish to provide their comments, other than via email. I will be sending a follow-up email providing information on how this be achieved and a link for those that will be participating via the virtual method. There are a large number of "in-person" participants, so staff is preparing a plan on how this will be executed and the best way possible to stay in keeping with COVID measures. I thank you for your patience as staff confirms these steps. I hope to have this information by Monday/Tuesday. Again, thank you for your patience.

I also wanted to remind you know that all correspondence received, up until to 2:00 p.m. today, was provided in the staff's report to the Development Review Board. You may still send me additional correspondence that will be provided to the DRB on the day of the hearing. You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/publiccomment).

Below you will find a link to the DRB Agenda, which contains staff's report (Item No. 6).

Link to 8-19-2021 DRB Hearing Agenda: [SCOTTSDALE \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/agenda)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**
Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

The file is rather large due to the inclusion of all received correspondences.

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Again, staff will provide a link for the virtual meeting, and I will forward that link to this group. I will also be providing instructions for those that will be attending in person. Please see below my signature for the location of the hearing (area in red) and some possible places to park (area in yellow).

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo

Senior Planner

City of Scottsdale

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, AZ 85251

Phone: 480-312-7849

Fax: 480-312-9037

Get informed!



The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.



Murillo, Jesus

From: Murillo, Jesus
Sent: Tuesday, August 17, 2021 5:50 PM
To: La Porte, Tom
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

No, we will treat it as a document that is provided that day to staff. This courtesy we would extend to anyone providing a presentation for that day. I suppose anyone could submit a records request for the presentation at any time, but I would not provide the presentation to the HOA. In this same manner I would not share their "day-of" presentation with your team. We understand we just need the presentation to make sure it works for that day.

From: La Porte, Tom <laportet@stifel.com>
Sent: Tuesday, August 17, 2021 2:18 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

⚠ External Email: Please use caution if opening links or attachments!

Okay. We are working on it tonight. You won't show to the HOA will you?

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Tuesday, August 17, 2021 2:01 PM
To: La Porte, Tom (Phoenix) <laportet@stifel.com>
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

Hello Sir,

It was good. Please send me the PowerPoint as a PDF that we may test it as soon as you can send it to me. We want to be sure that we can run it with our system.

Jesús

From: La Porte, Tom <laportet@stifel.com>
Sent: Tuesday, August 17, 2021 1:57 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

⚠ External Email: Please use caution if opening links or attachments!

Jesus,

Thanks for the nice conversation this morning. You are a stand-up guy. I think we will have a power point for the hearing , so I hope we will have the ability to show it.

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Tuesday, August 17, 2021 7:40 AM
To: La Porte, Tom (Phoenix) <laportet@stifel.com>
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

Hello Tom,

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**
Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

Sincerely,

Jesús

From: La Porte, Tom <laportet@stifel.com>
Sent: Tuesday, August 17, 2021 6:39 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: FW: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

⚠ External Email: Please use caution if opening links or attachments!

The HOA has got your recommendation, but I did not .Can you please send it to me?

Thomas La Porte

Managing Director/Investments

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From: DC Ranch Association <terri.raimondi@dcranchinc.com>
Sent: Monday, August 16, 2021 4:59 PM
To: La Porte, Tom (Phoenix) <laportet@stifel.com>
Subject: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

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This email is to communicate the most recent information from the City of Scottsdale regarding the Sissoo Tree Project. Please see page two of the attached document for reports from City staff members recommending approval.

Arcadia Public Communications Folder Updated 8.16.21



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Murillo, Jesus

From: Scott Anderson <j_scottanderson@yahoo.com>
Sent: Tuesday, August 17, 2021 2:50 PM
To: Murillo, Jesus
Cc: Carr, Brad
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

I apologize for the late response. I will attempt to participate virtually.

Scott anderson.

[Sent from Yahoo Mail for iPhone](#)

On Thursday, August 12, 2021, 6:20 PM, Murillo, Jesus <JMurillo@ScottsdaleAz.Gov> wrote:

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

As stated before, the Development Review Board (DRB) public hearings are conducted in a multi-participatory manner. The Development Review Board hearings allow for in-person and virtual participation for people who wish to provide their comments on a scheduled item. Staff is working on steps to be ensure everyone's voice is heard under both of these means of participation.

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Below you will find a link to the DRB Agenda, which contains staff's report (Item No. 6).

Link to 8-19-2021 **DRB Hearing Agenda**: [SCOTTSDALE \(scottsdaleaz.gov\)](https://scottsdaleaz.gov)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**

Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

The file is rather large due to the inclusion of all received correspondences.

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Again, staff will provide a link for the virtual meeting, and I will forward that link to this group. I will also be providing instructions for those that will be attending in person. Please see below my signature for the location of the hearing (area in red) and some possible places to park (area in yellow).

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo

Senior Planner

City of Scottsdale

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, AZ 85251

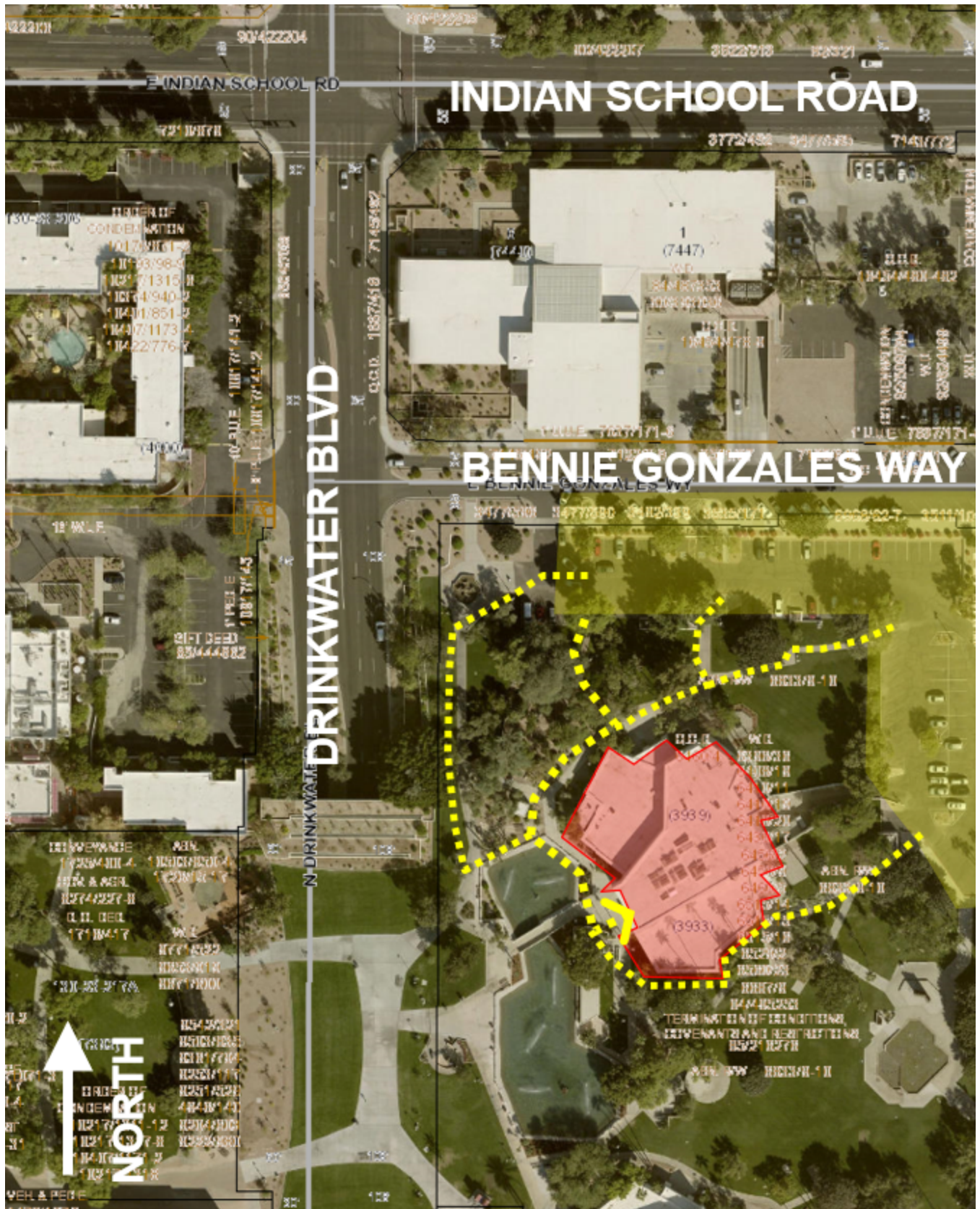
Phone: 480-312-7849

Fax: 480-312-9037

Get informed!



The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.



Murillo, Jesus

From: Murillo, Jesus
Sent: Tuesday, August 17, 2021 2:01 PM
To: La Porte, Tom
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

Hello Sir,

It was good. Please send me the PowerPoint as a PDF that we may test it as soon as you can send it to me. We want to be sure that we can run it with our system.

Jesús

From: La Porte, Tom <laportet@stifel.com>
Sent: Tuesday, August 17, 2021 1:57 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

⚠ External Email: Please use caution if opening links or attachments!

Jesus,

Thanks for the nice conversation this morning. You are a stand-up guy. I think we will have a power point for the hearing , so I hope we will have the ability to show it.

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Tuesday, August 17, 2021 7:40 AM
To: La Porte, Tom (Phoenix) <laportet@stifel.com>
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

Hello Tom,

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**
Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

Sincerely,

Jesús

From: La Porte, Tom <laportet@stifel.com>
Sent: Tuesday, August 17, 2021 6:39 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: FW: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

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The HOA has got your recommendation, but I did not .Can you please send it to me?

Thomas La Porte

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Sent: Monday, August 16, 2021 4:59 PM
To: La Porte, Tom (Phoenix) <laportet@stifel.com>
Subject: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

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Arcadia Public Communications Folder Updated 8.16.21



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Murillo, Jesus

From: Scott Roberts <sroberts@robertscommunities.com>
Sent: Tuesday, August 17, 2021 1:00 PM
To: Development Review Board; Murillo, Jesus; City Council
Subject: Save DC Ranch Arcadia Trees
Attachments: Save Our Trees Scott Roberts .pdf; Photo of my daughter riding her bike under the shade of our tree lined streets.jpeg

⚠ External Email: Please use caution if opening links or attachments!

Dear City of Scottsdale,

I sure hope you take time to review attached letter about my opposition in DC Ranch cutting down our private trees.

Roberts Resorts & Communities

T: [480.235.0687](tel:480.235.0687)

Building CommunityFulfilling Dreams

robertsresorts.com

robertscommunities.com



August 16, 2021

I am writing this letter to express a great concern of mine regarding the excessive cutting of trees by the HOA.

I am aware that trees must be cut in order to build the new roads and or buildings; however, these trees are only creating minor issues. I can almost guarantee that any other trees that will grow this size in time, will create the same issues, hence the result of cutting down more trees.

Not only do the trees provide a tremendous amount shade, which we all know we need living in Arizona, they also ensure clean air by preventing the buildup of carbon dioxide in the atmosphere for our community

My family and I have lived in our home for 12 years and have seen the trees grow as I do my own children, alongside of these trees. Throughout the years, my children look forward to me returning home from work to take walks along the tree lined streets with them daily.

I don't understand why the HOA cannot try to organize simple monthly maintenance, rather than completely removing the trees.

To conclude, the removal of the trees will result in substantial loss in Real estate value for Home Owners.

Signed,



Scott Roberts

9814 E Legacy Lane, Scottsdale 85255



Murillo, Jesus

From: Sheila Clary <sheilae60614@gmail.com>
Sent: Tuesday, August 17, 2021 8:57 AM
To: City Council; Development Review Board; Murillo, Jesus
Cc: Ray Lucchesi; Jim Clary
Subject: Case 6-DR-2021

 **External Email: Please use caution if opening links or attachments!**

Ladies and Gentlemen:

My husband and I purchased a home in the Arcadia neighborhood of Silverleaf in early 2008. Even though the neighborhood was just over a year old, the look and feel of the property was very unique. There were an abundance of green leafy trees and large grassy areas that was not available elsewhere in North Scottsdale. We fell in love with the concept of a different type of neighborhood in this area; one that featured tree lined streets and lush parks and lots of shade. It seemed to be the perfect place to raise our newborn daughter. We have been thrilled with our neighborhood as we have watched it go from virtually empty to one that is almost fully built out. The micro climate provided by our trees makes a huge difference for us and many people (residents and otherwise) that use our parks and trees on a daily basis.

We are adamantly opposed to the HOA's proposal to remove all of our trees and replace them with another species; one of their choosing and at homeowner expense. **We ask that you vote to deny the applicant's request for wholesale tree removal.** We make this request based on the following reasons:

1. The HOA has failed to perform their contractually required tree and root maintenance since the planting of the trees at the neighborhood's inception. This has resulted in the accrual of a potentially significant liability to the HOA.
2. To avoid this potentially significant liability, the HOA has proposed the removal of all of our trees despite strong resistance from the residents.
3. The HOA has refused to consider any alternative to total removal, including the root and tree maintenance strategies proposed by our arborists and other experts hired to find solutions to the problem. From the beginning of this process, the HOA has refused to give serious consideration ANY alternative other than removal.
4. Even after realizing that there was a liability for failure to maintain the trees and roots, the HOA continued to require that the only trees approved for planting were the Sissoo trees.
5. Any alternative tree will have the same need for tree and root maintenance as root issues emerge. In the meantime, our neighborhood will have been severely impacted for years while new trees grow.
6. The removal of our trees will result in a multi-million dollar assessment to current homeowners. Even more importantly, the removal of our trees will have an immediate and severe negative impact on property values and the ability to sell our homes.
7. As evidenced by the petition submitted by Ray Lucchesi, the majority of homeowners are adamantly against the HOA proposal to remove our trees.

We as residents believe that we have worked hard to partner with the HOA to find acceptable solutions to the tree issue, only to be met with a refusal to consider any alternative other than their preferred total tree removal. The removal of our trees is unnecessary and will result in the significant financial costs to homeowners, both short-term and

long-term; as well as destroying the ambience and beauty of our neighborhood. **We ask that you vote against the tree removal request.**

Sincerely,

Sheila Clary
18909 N 98th Street
Scottsdale, AZ 85255
(312) 543-6607

Murillo, Jesus

From: Murillo, Jesus
Sent: Tuesday, August 17, 2021 8:42 AM
To: Regina McCracken; City Council; Development Review Board
Subject: RE: Arcadia petition to Save Our Sisso Trees (Case # 6-DR-2021)

Hello Regina,

I wanted to confirm the receipt of your communication, and confirm that your email was also addressed to the City Council and Development Review Board. I wanted to mention that the email will be provided to the DRB on the day of the hearing, as the deadline past for this portion of the comments to be included in the report

I will also be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Sincerely,

Jesús

From: Regina McCracken <regmccracken@yahoo.com>
Sent: Tuesday, August 17, 2021 4:09 AM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Arcadia petition to Save Our Sisso Trees (Case # 6-DR-2021)

 **External Email: Please use caution if opening links or attachments!**

Good morning,

My name is Regina McCracken, I am a homeowner in Silverleaf Arcadia for nearly 7 years. I own lot #3711, right in front of the park aligned with the beautiful Sisso trees. I am 100% for saving our trees. I implore you to deny the applicant's request for the mass tree removal. It would cause catastrophic damage to our community and to the value of our homes significantly, changing the streetscape entirely. Things would never look the same. I vote for a specialized arborist to come in and advise DMB on how to remediate the situation while maintaining the trees.

Thank you for your immediate attention to this matter,
Regina McCracken

Murillo, Jesus

From: Murillo, Jesus
Sent: Tuesday, August 17, 2021 7:40 AM
To: La Porte, Tom
Subject: RE: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

Hello Tom,

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**
Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

Sincerely,

Jesús

From: La Porte, Tom <laportet@stifel.com>
Sent: Tuesday, August 17, 2021 6:39 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: FW: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

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Thomas La Porte

Managing Director/Investments

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To: La Porte, Tom (Phoenix) <laportet@stifel.com>
Subject: [EXTERNAL] City of Scottsdale Staff Reports on Sissoo Tree Project

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Murillo, Jesus

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Thank you for your immediate attention to this matter,
Regina McCracken

Murillo, Jesus

From: Susana Mckee <susanamckee@me.com>
Sent: Monday, August 16, 2021 6:16 PM
To: Murillo, Jesus
Cc: Carr, Brad
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Good afternoon Jesus,
Unfortunately, I'm unable to attend the meeting.
We are Arcadia owners of lot 3622 and we would love to keep our beautiful trees.
Thank you,
Susana McKee
19499 M 98th Place
Scottsdale AZ 85255

On Aug 12, 2021, at 6:20 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

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Link to 8-19-2021 **DRB Hearing Agenda**: [SCOTTSDALE \(scottsdaleaz.gov\)](https://www.scottsdaleaz.gov/scottsdale-development-review-board-agenda)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**

Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

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Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

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<image001.png>

<image002.png>

<image003.png>

The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.

<image004.png>

Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 4:54 PM
To: Jeff Torczon
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Thank you. I should have next steps of the meeting soon.

From: Jeff Torczon <jeff@torczonholdings.com>
Sent: Monday, August 16, 2021 3:05 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Good afternoon Jesus. I am writing to let you know that I am planning on attending the meeting in person. I would like to request my allocated time to speak during the meeting.

Thank you.



Jeff Torczon
President & CEO
Torczon Holdings, LLC

Phone: 602-690-0313
Email: jeff@torczonholdings.com

From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Thursday, August 12, 2021 6:21 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Please feel free to contact me with any further questions or comments.

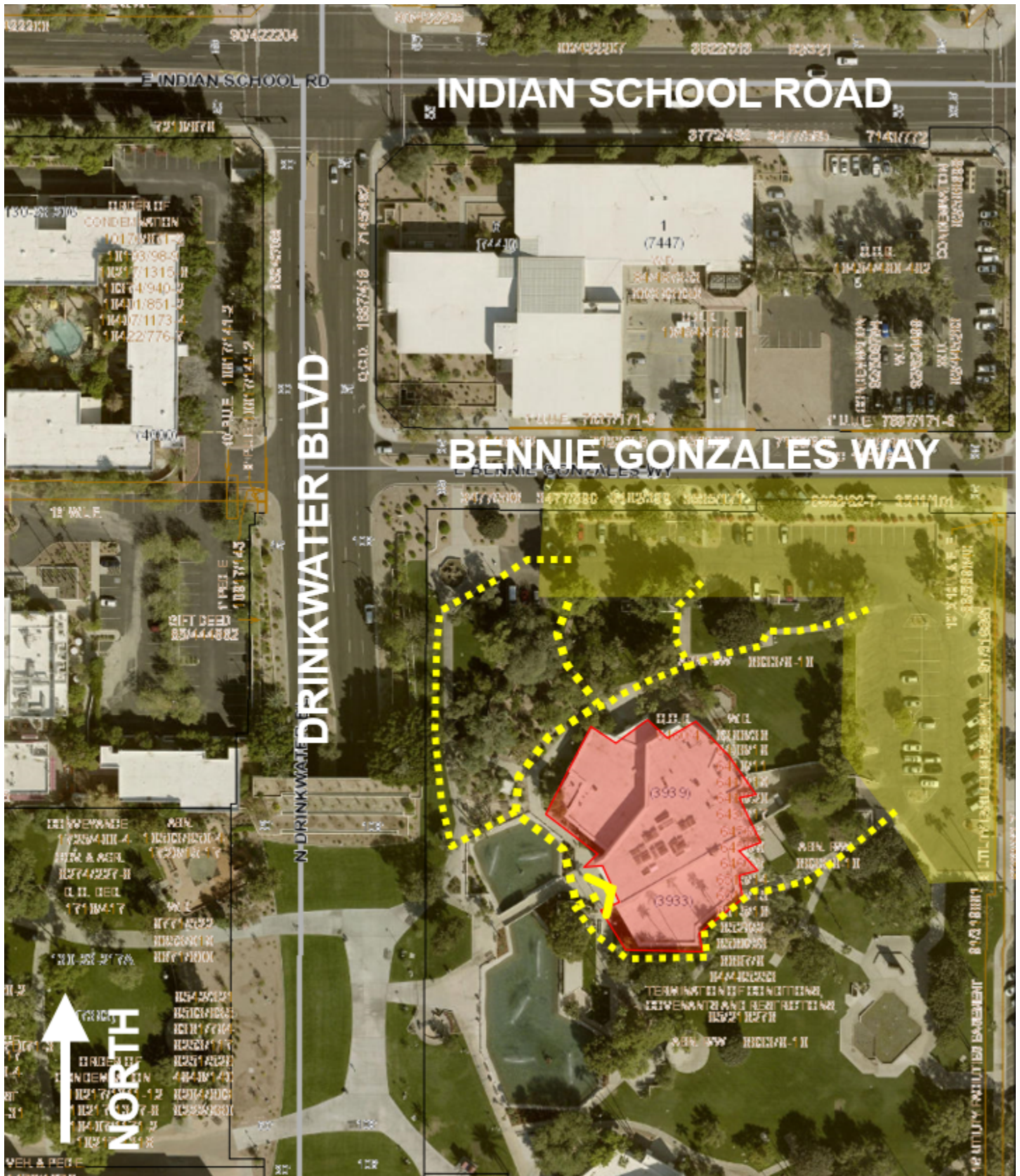
Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

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The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.



Murillo, Jesus

From: QCM Group <nicole@qcmgroup.net>
Sent: Monday, August 16, 2021 4:51 PM
To: Murillo, Jesus
Cc: City Council; Development Review Board
Subject: Re: case 6-DR-2021- Arcadia Sisco tree issue

⚠ External Email: Please use caution if opening links or attachments!

Thank you.

Sent from my iPhone

On Aug 16, 2021, at 4:40 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Hello Nicole,

I wanted to confirm receipt of you comments, and that your communication was also addressed to the City Council and Development Review Board. I wanted to mention that these particular comments will be provided to the DRB on the day of the hearing, as the deadline past for this portion of the comments to be included in the report

I will also be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Sincerely,

Jesús

From: Nicole Connors <nicole@qcmgroup.net>
Sent: Monday, August 16, 2021 3:53 PM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: case 6-DR-2021- Arcadia Sisco tree issue

⚠ External Email: Please use caution if opening links or attachments!

Attached please find our letter for your planned meeting on Wednesday.

<image001.png>

Nicole Connors
602-647-7910
nicole@qcmgroup.net

Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 4:45 PM
To: La Porte, Tom
Subject: RE: Speaking

Hello Tom,

Again, thank you for the updates. We are working with our building staff to understand the logistics. I would always appreciate a list, but no need to sign in as of yet. There will be speaker cards provided at the hearing, but there are a couple of items that still need to be finalized.

For example, there will be a limited number of people allowed within the Kiva (DRB/Council Building), and there is another sensitive case being presented this same day. Therefore, we may have two places identified for people to wait while others speak, and the Kiva itself. I am trying to get the details and will send an email to everyone as soon as I can confirm the logistics.

Thank you again for the updates – they help make sure we plan so everyone is heard.

Jesús

From: La Porte, Tom <lportet@stifel.com>
Sent: Monday, August 16, 2021 3:27 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Speaking

⚠ External Email: Please use caution if opening links or attachments!

We have at least 20 people that would like to speak. Do we need to give you names or sign up on site?

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | lportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 4:41 PM
To: Nicole Connors; City Council; Development Review Board
Subject: RE: case 6-DR-2021- Arcadia Sisco tree issue

Hello Nicole,

I wanted to confirm receipt of you comments, and that your communication was also addressed to the City Council and Development Review Board. I wanted to mentioned that these particular comments will be provided to the DRB on the day of the hearing, as the deadline past for this portion of the comments to be included in the report

I will also be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Sincerely,

Jesús

From: Nicole Connors <nicole@qcmgroup.net>
Sent: Monday, August 16, 2021 3:53 PM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: case 6-DR-2021- Arcadia Sisco tree issue

⚠ External Email: Please use caution if opening links or attachments!

Attached please find our letter for your planned meeting on Wednesday.



Nicole Connors
602-647-7910
nicole@qcmgroup.net

Murillo, Jesus

From: Castro, Lorraine
Sent: Monday, August 16, 2021 4:12 PM
To: Murillo, Jesus
Subject: FW: Reference case 6-DR-2021

From: Joseph Steinfeld <jsteinfeld@askllp.com>
Sent: Sunday, August 15, 2021 9:52 AM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Cc: raylucchesi1@gmail.com
Subject: Reference case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

Dear Sir or Madam:

I along with my wife Jodi Steinfeld are owners of lot 3694 in the Arcadia neighborhood. Our address is 9782 East Legacy Lane. We strongly oppose the City of Scottsdale granting the DC Ranch Association's request to allow for the removal of our Sissoo trees. Retention of the trees are essential to keep the appearance of our unique neighborhood and can and should be maintained by the Association.

Destroying over 900 trees that have grown to mature trees without proper maintenance by the DC Ranch Association will only serve to reward the Association's malfeasance, while placing a huge financial burden on the home owners who had no role in causing the present situation.

By refusing the permit necessary for the removal of our Sissoo trees you will send a strong message to the Association that it needs to take responsibility for the root growth problem and work out a real solution of remediation that comports with the homeowners desire to keep the trees.

Thank you for your careful consideration of the homeowners position in resolving this issue.

Sent from my iPad

Joseph L. Steinfeld, Jr., Esq.
ASK LLP
2600 Eagan Woods Drive, Suite 400
St. Paul, MN 55121
Direct Dial: 651 289-3850
Cell: 703 626-7387
Fax: 651 406-9676
Email: jsteinfeld@askllp.com
Bankruptcy/Commercial: <http://www.askllp.com>
Mass Tort/Personal Injury: <http://asklawyersforjustice.com>

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Sent from my iPad

Joseph L. Steinfeld, Jr., Esq.

ASK LLP

[2600 Eagan Woods Drive, Suite 400](#)

[St. Paul, MN 55121](#)

Direct Dial: [651 289-3850](#)

Cell: [703 626-7387](#)

Fax: [651 406-9676](#)

Email: jsteinfeld@askllp.com

Bankruptcy/Commercial: <http://www.askllp.com>

Mass Tort/Personal Injury: <http://asklawyersforjustice.com>

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please E-mail the sender and delete the material from any computer. Thank you.

Murillo, Jesus

From: Castro, Lorraine
Sent: Monday, August 16, 2021 4:11 PM
To: Murillo, Jesus
Subject: FW: Development Review Board Public Comment (response #405)

From: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Sent: Saturday, August 14, 2021 11:19 AM
To: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Subject: Development Review Board Public Comment (response #405)

Development Review Board Public Comment (response #405)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Development Review Board Public Comment
URL:	https://www.scottsdaleaz.gov/boards/development-review-board/public-comment
Submission Time/Date:	8/14/2021 11:18:17 AM

Survey Response

COMMENT	
Comment:	<p>RE: DC Ranch Arcadia Sissoo Trees I write to you as the former President of the DC Ranch Association Board of Directors. Concerning Sissoo trees, I initiated and/or approved an Arcadia at Silverleaf neighborhood committee, town hall meetings, landscape consultants and arborist contracts, plans and renderings, and spent many hours meeting with experts, homeowners, staff, and Board members. Late in 2015, landscape staff recognized the adverse impact of Sissoo tree roots on the infrastructure and late in the year the first meeting with homeowners was held. As happens, staffing changes occurred and in April 2017 with the selection of a new Executive Director, efforts to evaluate the matter intensified. Landscape staff, the Covenant Commission (responsible for custom home design standards), arborists and road specialists (damage was apparent) were consulted. We also began consultations with legal counsel to fully understand homeowner and association liability and to engage the developer, DMB, who chose and installed the trees. These activities took time to complete and</p>

	<p>yet were necessary before actively engaging the Arcadia homeowners in what was anticipated to be the most challenging, expensive, and emotional issue the Association had faced. In March 2019 we conducted the first of several town hall meetings with the neighborhood. We provided homeowners background information and presentations were made by three independent arborists who also responded to questions. Although one arborist felt mitigation rather than replacement could address the problems temporarily, the consensus among the experts was that removal was required. Next, we assisted Arcadia homeowners in the formation of a committee to review data, explore options and make recommendations to the Board of Directors, as called for in DC Ranch documents for issues that may require additional assessments. Homeowner representatives were elected by their neighbors to serve on the committee. After several meetings most committee members indicated a desire to remove and replace the trees rather than attempt temporary mitigation measures. The plan was to be staggered over several years and to reduce the financial burden, homeowners would be given options for paying the special assessment. Several different replacement trees were considered and later would be put to a vote by homeowners. The plan was always to replace the Sissoos with trees with a large canopy to provide some shade with a less intrusive root system. As time passed and information was shared, individuals and small groups of homeowners took interest and the committee's work unraveled. Unfounded rumors and stall tactics took over and some owners investigated legal options, in part to persuade the Board to keep the Sissoo trees. The Board of Directors granted the committee extensions so they could resolve differences and reach consensus, but that was not possible. To conclude, the actions of the Board of Directors were always driven by the expertise of independent professionals, minimizing liability impacts and retaining property values and aesthetics of the Arcadia neighborhood. Homeowners were provided substantial opportunity for input and their views were incorporated where possible. Although I have not seen the plan now before the City's review board, based on my extensive involvement from the start, I am confident that the Association has put forth an appropriate and reasonable removal and replacement plan for Arcadia. Thank you for your time and consideration.</p>
<p>Comments are limited to 8,000 characters and may be cut and pasted from another source.</p>	
<p>PLEASE PROVIDE YOUR NAME:</p>	
<p>First & Last Name:</p>	<p>Susan Grace</p>
<p>AND ONE OR MORE OF THE FOLLOWING ITEMS:</p>	

Email:	sg.susangrace@gmail.com
Phone:	
Address:	
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

Murillo, Jesus

From: Nicole Connors <nicole@qcmgroup.net>
Sent: Monday, August 16, 2021 3:53 PM
To: City Council; Development Review Board; Murillo, Jesus
Subject: case 6-DR-2021- Arcadia Sisco tree issue
Attachments: Letter for sisco trees.docx

⚠ External Email: Please use caution if opening links or attachments!

Attached please find our letter for your planned meeting on Wednesday.



Nicole Connors
602-647-7910
nicole@qcmgroup.net

August 14, 2021

Nicole Connors
Homeowner, Arcadia at Silverleaf 18946 North 97th Place
Scottsdale, AZ 85255

VIA EMAIL

City of Scottsdale
Planning and Development Services 7447 E. Indian School Road, Suite 105 Scottsdale, AZ 85251

Attn: Jesús Murillo, City Council, Development Review Board

jmurillo@scottsdaleaz.gov Citycouncil@scottsdaleaz.gov
DevelopmentReviewBoard@ScottsdaleAz.gov

Re: Homeowner Majority Petition Against Tree Removal Case: 6-DR-2021 (DC Ranch, Arcadia at Silverleaf)

Scottsdale City Council,

I am writing concerning the hearing regarding the Sisco Trees for Arcadia DC Ranch Neighborhood.

- **I vote to come up with an alternative to removing the trees in Arcadia Ranch.**
- I vote to come up with a reasonable compromise for the trees one which will address the maintenance issue for the past several years and the fact that the trees have not been maintained in a proper manner.
- Vote to come to a resolution since this case has gone on for over five years since they originally noticed the real issue with the Sisco trees. Prolonging the problem is only making things worse.

We bought our house a year ago knowing that there was an issue with the trees but hoping the resolution would not lie solely on the homeowners. The trees were not planted by the homeowners, and were supposed to be maintained by the home owner association. We have not seen any maintenance done on our yard since we have been here.

Our home is one of the original homes in the neighborhood. We agree the trees are a problem. Our sidewalk is pulling up, the pavers are a mess. The roots are constantly exposed. But the solution to take the trees down has passed. If the trees were maintained properly, like they were supposed to be, there wouldn't be the major structural issues. Moving forward the tree roots should be cut, limiting the water source to the trees is a must.

The solution to force the homeowners to have all trees removed is ridiculous and expensive. The homeowners should not be solely responsible for the mistake made by the association for approving planting the Sisco trees. Removing the trees will cause more damage to the neighborhood, bring out animals and insects to the neighborhood and does not guarantee a new tree won't have similar issues. Focusing on trimming back all roots, limiting water to the trees and constant maintenance is the best solution for the trees. If a current homeowner has trees in grass, artificial grass should be proposed to limit the water.

Thank you,

Nicole Connors

Murillo, Jesus

From: La Porte, Tom <laportet@stifel.com>
Sent: Monday, August 16, 2021 3:27 PM
To: Murillo, Jesus
Subject: Speaking

⚠ External Email: Please use caution if opening links or attachments!

We have at least 20 people that would like to speak. Do we need to give you names or sign up on site?

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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Murillo, Jesus

From: Jeff Torczon <jeff@torczonholdings.com>
Sent: Monday, August 16, 2021 3:05 PM
To: Murillo, Jesus
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Good afternoon Jesus. I am writing to let you know that I am planning on attending the meeting in person. I would like to request my allocated time to speak during the meeting.

Thank you.



Jeff Torczon
President & CEO
Torczon Holdings, LLC

Phone: 602-690-0313

Email: jeff@torczonholdings.com

From: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Sent: Thursday, August 12, 2021 6:21 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

As stated before, the Development Review Board (DRB) public hearings are conducted in a multi-participatory manner. The Development Review Board hearings allow for in-person and virtual participation for people who wish to provide their comments on a scheduled item. Staff is working on steps to ensure everyone's voice is heard under both of these means of participation.

I wanted to thank all of those that have contacted me identifying how they planned on participating in the hearing process. This has helped staff better prepare to accommodate all those that wish to provide their comments, other than via email. I will be sending a follow-up email providing information on how this be achieved and a link for those that will be participating via the virtual method. There are a large number of "in-person" participants, so staff is preparing a plan on how this will be executed and the best way possible to stay in keeping with COVID measures. I thank you for your patience as staff confirms these steps. I hope to have this information by Monday/Tuesday. Again, thank you for your patience.

I also wanted to remind you know that all correspondence received, up until to 2:00 p.m. today, was provided in the staff's report to the Development Review Board. You may still send me additional correspondence that will be provided to the DRB on the day of the hearing. You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://www.scottsdaleaz.gov/cityofscottsdale-development-review-board-public-comment).

Below you will find a link to the DRB Agenda, which contains staff's report (Item No. 6).

Link to 8-19-2021 DRB Hearing Agenda: [SCOTTSDALE \(scottsdaleaz.gov\)](https://scottsdaleaz.gov)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**

Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

The file is rather large due to the inclusion of all received correspondences.

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Again, staff will provide a link for the virtual meeting, and I will forward that link to this group. I will also be providing instructions for those that will be attending in person. Please see below my signature for the location of the hearing (area in red) and some possible places to park (area in yellow).

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!



The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.



Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 2:01 PM
To: connie hsu; City Council; Development Review Board
Subject: RE: Reference case 6-DR-2021

Hello Connie,

I wanted to confirm receipt of your comments, and that your communication was also addressed to the City Council and Development Review Board.

Your comments will be provided to the DRB on the day of the hearing, as the deadline past for this portion of the comments to be included in the report

I will also be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Again, thank you for your comments.

Sincerely,

Jesús

From: connie hsu <cxu02@hotmail.com>
Sent: Monday, August 16, 2021 1:45 PM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Reference case 6-DR-2021

 **External Email: Please use caution if opening links or attachments!**

To whom it may concern,

My name is Connie Hsu, I am a homeowner in Arcadia, Silverleaf, lot # 3722. When I bought my house in 2012, a nice community environment including so many beautiful trees is one of the big decision-making factors. Maintenance of the trees is one of the HOA's duties. We have been paying the most expensive HOA amount the Silverleaf communities. However, over the last 9 years, there was only ONE TIME tree maintenance that I was aware of.

I am against the tree removal and request that the association works with homeowners on a reasonable solution.

Connie Hsu, Arcadia homeowner

Lot 3722

18821 N 97th Way

Scottsdale, AZ 85255

Murillo, Jesus

From: connie hsu <cxu02@hotmail.com>
Sent: Monday, August 16, 2021 1:45 PM
To: City Council; Development Review Board; Murillo, Jesus
Subject: Reference case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

To whom it may concern,

My name is Connie Hsu, I am a homeowner in Arcadia, Silverleaf, lot # 3722. When I bought my house in 2012, a nice community environment including so many beautiful trees is one of the big decision-making factors. Maintenance of the trees is one of the HOA's duties. We have been paying the most expensive HOA amount the Silverleaf communities. However, over the last 9 years, there was only ONE TIME tree maintenance that I was aware of.

I am against the tree removal and request that the association works with homeowners on a reasonable solution.

Connie Hsu, Arcadia homeowner
Lot 3722
18821 N 97th Way
Scottsdale, AZ 85255

Murillo, Jesus

From: Pauline Kelley <paulinelkelley@msn.com>
Sent: Monday, August 16, 2021 7:31 AM
To: Murillo, Jesus; City Manager Mailbox; Stockwell, Brent; Murphy, Bill
Subject: DCR Arcadia Sissoo Trees

⚠ External Email: Please use caution if opening links or attachments!

Dear Scottsdale Staff,

Wanted to make you aware that I, and many others, support the DC Ranch HOA in replacing the sissoo trees in the Arcadia neighborhood. Contrary to a small group of homeowners, this topic impacts the entire community and the City of Scottsdale. These trees are a hazard and should be replaced to reduce the risk to property and residents. The facts support this and please do not create a liability for our community and our city by not allowing for the replacement of these trees.

Regards,

Pauline Kelley
20227 N 102nd Place
Scottsdale, AZ 85255

Murillo, Jesus

From: Kuester, Kelli
Sent: Monday, August 16, 2021 8:04 AM
To: Susan Grace
Cc: City Manager Mailbox; Stockwell, Brent; Murphy, Bill; Murillo, Jesus
Subject: RE: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan
Attachments: Letter to City re Sissoo.docx


Hello Ms. Grace,

Please allow me to acknowledge receipt of your email on behalf of City Manager Jim Thompson. Senior Planner Jesus Murillo is copied on this email and will make sure your comments are included in the case file.

Kelli Kuester

Exec Asst to City Manager | City of Scottsdale
480.312.2850 kkuester@scottsdaleaz.gov

From: Susan Grace <sg.susangrace@gmail.com>
Sent: Saturday, August 14, 2021 10:11 AM
To: City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>; JMurillo@scottsdale.gov
Subject: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan

 External Email: Please use caution if opening links or attachments!

Gentlemen,

Please read the attached comments.

Thank you,

Susan Grace
Former President, DC Ranch Association Board of Directors

I write to you as the former President of the DC Ranch Association Board of Directors. Concerning Sissoo trees, I initiated and/or approved an Arcadia at Silverleaf neighborhood committee, town hall meetings, landscape consultants and arborist contracts, plans and renderings, and spent many hours meeting with experts, homeowners, staff, and Board members.

Late in 2015, landscape staff recognized the adverse impact of Sissoo tree roots on the infrastructure and late in the year the first meeting with homeowners was held. As happens, staffing changes occurred and in April 2017 with the selection of a new Executive Director, efforts to evaluate the matter intensified. Landscape staff, the Covenant Commission (responsible for custom home design standards), arborists and road specialists (damage was apparent) were consulted. We also began consultations with legal counsel to fully understand homeowner and association liability and to engage the developer, DMB, who chose and installed the trees.

These activities took time to complete and yet were necessary before actively engaging the Arcadia homeowners in what was anticipated to be the most challenging, expensive, and emotional issue the Association had faced. In March 2019 we conducted the first of several town hall meetings with the neighborhood. We provided homeowners background information and presentations were made by three independent arborists who also responded to questions. Although one arborist felt mitigation rather than replacement could address the problems temporarily, the consensus among the experts was that removal was required. Next, we assisted Arcadia homeowners in the formation of a committee to review data, explore options and make recommendations to the Board of Directors, as called for in DC Ranch documents for issues that may require additional assessments. Homeowner representatives were elected by their neighbors to serve on the committee. After several meetings most committee members indicated a desire to remove and replace the trees rather than attempt temporary mitigation measures. The plan was to be staggered over several years and to reduce the financial burden, homeowners would be given options for paying the special assessment. Several different replacement trees were considered and later would be put to a vote by homeowners. The plan was always to replace the Sissoos with trees with a large canopy to provide some shade with a less intrusive root system.

As time passed and information was shared, individuals and small groups of homeowners took interest and the committee's work unraveled. Unfounded rumors and stall tactics took over and some owners investigated legal options, in part to persuade the Board to keep the Sissoo trees. The Board of Directors granted the committee extensions so they could resolve differences and reach consensus, but that was not possible.

To conclude, the actions of the Board of Directors were always driven by the expertise of independent professionals, minimizing liability impacts and retaining property values and aesthetics of the Arcadia neighborhood. Homeowners were provided substantial opportunity for input and their views were incorporated where possible. Although I have not seen the plan now before the City's review board, based on my extensive involvement from the start, I am confident that the Association has put forth an appropriate and reasonable removal and replacement plan for Arcadia.

Thank you for your time and consideration.

Murillo, Jesus

From: Kuester, Kelli
Sent: Monday, August 16, 2021 8:16 AM
To: MARLA WALBERG
Cc: City Manager Mailbox; Stockwell, Brent; Murphy, Bill; Murillo, Jesus
Subject: RE: Sissoo Trees - DC Ranch Arcadia Neighborhood

Greetings Ms. Walberg,

Thank you for your email and for taking the time to share your input. Senior Planner Jesus Murillo is copied on my response and he will make sure your comments are included in the case file.

Kelli Kuester

Exec Asst to City Manager | City of Scottsdale
480.312.2850 kkuester@scottsdaleaz.gov

From: MARLA WALBERG <mwalberg@cox.net>
Sent: Sunday, August 15, 2021 12:21 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>
Subject: Sissoo Trees - DC Ranch Arcadia Neighborhood

 **External Email: Please use caution if opening links or attachments!**

Dear Scottsdale Staff,

Wanted to make you aware that myself and many others support the DC Ranch HOA in replacing the sissoo trees in the Arcadia neighborhood. Contrary to a small group of homeowners, this topic impacts the entire community and the City of Scottsdale. These trees are a hazard and should be replaced to reduce risk to property and residents.

I have dealt with these trees previously on another neighboring home to mine in DC Ranch where they completely uprooted the wall and caused extensive damage. The facts support their removal, please do not create a liability for our community and our city by not allowing for replacement of these trees.

Sincerely,

Marla Walberg

10092 E Flathorn Dr

Scottsdale, AZ 85255

Murillo, Jesus

From: Schilling, Bethany
Sent: Monday, August 16, 2021 8:18 AM
To: jsteinfeld@askllp.com
Cc: Murillo, Jesus; City Council
Subject: FW: case 6-DR-2021

Good Morning Mr. Steinfeld,

Thank you for reaching out to City Council to express your concern for the Sisso tree removal proposal. This is currently on the agenda for the Development Review Board public hearing on August 19th, 2021. The staff coordinator for the proposal, Jesus Murillo, is cc'd on this email to ensure your email will be included with all public comment.

Please consider following the link below if you would like more information on the proposal.

6-DR-2021-Sisso Tree Removal: [City of Scottsdale - Case Info Sheet \(scottsdaleaz.gov\)](https://www.scottsdaleaz.gov/citycouncil/cases/6-DR-2021-Sisso-Tree-Removal)

Again, thank you for contacting City Council with your concerns, have a good day.

Very Respectfully,

Bethany Schilling
Management Assistant to the Mayor and City Council
Office of Mayor David D. Ortega
3939 N. Drinkwater Blvd
Scottsdale, AZ 85251
Phone: 480.312.7977
Email: bschilling@scottsdaleaz.gov

From: Joseph Steinfeld <jsteinfeld@askllp.com>
Sent: Sunday, August 15, 2021 9:51 AM
To: City Council <CityCouncil@scottsdaleaz.gov>
Cc: raylucchesi1@gmail.com
Subject: case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

Dear Sir or Madam:

I along with my wife Jodi Steinfeld are owners of lot 3694 in the Arcadia neighborhood. Our address is 9782 East Legacy Lane. We strongly oppose the City of Scottsdale granting the DC Ranch Association's request to allow for the removal of our Sissoo trees. Retention of the trees are essential to keep the appearance of our unique neighborhood and can and should be maintained by the Association.

Destroying over 900 trees that have grown to mature trees without proper maintenance by the DC Ranch Association will only serve to reward the Association's malfeasance, while placing a huge financial burden on the home owners who had no role in causing the present situation.

By refusing the permit necessary for the removal of our Sissoo trees you will send a strong message to the Association that it needs to take responsibility for the root growth problem and work out a real solution of remediation that comports with the homeowners desire to keep the trees.

Thank you for your careful consideration of the homeowners position in resolving this issue.

Sent from my iPad

Joseph L. Steinfeld, Jr., Esq.

ASK LLP

[2600 Eagan Woods Drive, Suite 400](#)

[St. Paul, MN 55121](#)

Direct Dial: [651 289-3850](#)

Cell: [703 626-7387](#)

Fax: [651 406-9676](#)

Email: jsteinfeld@askllp.com

Bankruptcy/Commercial: <http://www.askllp.com>

Mass Tort/Personal Injury: <http://asklawyersforjustice.com>

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Murillo, Jesus

From: Karekin & Zhanet Kaprelian <kzkaprelian@gmail.com>
Sent: Monday, August 16, 2021 8:38 AM
To: Murillo, Jesus
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)
Attachments: image002.png

⚠ External Email: Please use caution if opening links or attachments!

Hello Jesus

Can I please be given time to speak in favour of removing the Sissoo trees from Arcadia Silverleaf.

Kirk Kaprelian

On Wed, Aug 4, 2021, 3:54 AM Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Good Afternoon Everyone,

Again, you are receiving this email because you have expressed interest in the above-mentioned case.

Currently, most of our public hearings are conducted in a multi-participatory manner. The Development Review Board hearings allow for in-person and virtual participation for people who wish to provide their comments on a scheduled item. There are limits to the number of people in each of these means of participation at one time. I am hoping you would be willing to contact me and let me know in which manner you are looking to participate, so that I can better prepare to accommodate all those that wish to provide their comments, other than via email. I am trying to get a feel for how many people will look to participate in person, and how many will look to participate on-line (virtually).

This information will better help me try to make sure everyone gets their voice heard.

I wanted to reiterate that all correspondence received up to this moment will be provided to the Development Review Board in staff's report. You may also send me additional correspondence to add to the report (up until this Thursday).

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Staff will create a link for the virtual meeting, and I will forward that link to this group.

I look forward to hearing from you.

Sincerely,

Jesús Murillo

Senior Planner

City of Scottsdale

Planning and Development Services

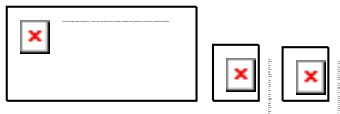
7447 E. Indian School Road, Ste. 105

Scottsdale, AZ 85251

Phone: 480-312-7849

Fax: 480-312-9037

Get informed!



The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.



Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 8:44 AM
To: Kaycee Desmarteau
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Hello Kaycee,

I think there is still room. I will send an update soon.

Jesús

From: Kaycee Desmarteau <kaycee.kitzmiller@gmail.com>
Sent: Saturday, August 14, 2021 8:46 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

 **External Email: Please use caution if opening links or attachments!**

Hi Jesus,

Sorry for the late response! I have a change of plans so I would like to attend the meeting on Thursday. Hope this is still ok?

Thank you,
Kaycee Desmarteau

Sent from my iPhone

On Aug 12, 2021, at 6:20 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

As stated before, the Development Review Board (DRB) public hearings are conducted in a multi-participatory manner. The Development Review Board hearings allow for in-person and virtual participation for people who wish to provide their comments on a scheduled item. Staff is working on steps to be ensure everyone's voice is heard under both of these means of participation.

I wanted to thank all of those that have contacting me identifying how they planned on participating in the hearing process. This has helped staff better prepare to accommodate all those that wish to provide their comments, other than via email. I will be sending a follow-up email providing information on how this be achieved and a link for those that will be participating via the virtual method. There are a large number of "in-person" participants, so staff is preparing a plan on how this will be executed and the best way possible to stay in keeping with COVID measures. I thank you for your patience as staff confirms these steps. I hope to have this information by Monday/Tuesday. Again, thank you for your patience.

I also wanted to remind you know that all correspondence received, up until to 2:00 p.m. today, was provided in the staff's report to the Development Review Board. You may still send me additional correspondence that will be provided to the DRB on the day of the hearing. You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/development-review-board/public-comment).

Below you will find a link to the DRB Agenda, which contains staff's report (Item No. 6).

Link to 8-19-2021 DRB Hearing Agenda: [SCOTTSDALE \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/development-review-board/agenda)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**

Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

The file is rather large due to the inclusion of all received correspondences.

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Again, staff will provide a link for the virtual meeting, and I will forward that link to this group. I will also be providing instructions for those that will be attending in person. Please see below my signature for the location of the hearing (area in red) and some possible places to park (area in yellow).

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!

<image001.png>

<image002.png>

<image003.png>

The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.

<image004.png>

Murillo, Jesus

From: Kuester, Kelli
Sent: Monday, August 16, 2021 8:45 AM
To: Pauline Kelley
Cc: City Manager Mailbox; Stockwell, Brent; Murphy, Bill; Murillo, Jesus
Subject: RE: DCR Arcadia Sissoo Trees

Hello Ms. Kelley,

Thank you for your email and for taking the time to share your input. Senior Planner Jesus Murillo is copied on my response and he will make sure your comments are included in the case file for this item which is currently on the agenda for the Development Review Board hearing on August 19th.

Here is the link with more information: 6-DR-2021-Sisso Tree Removal: [City of Scottsdale - Case Info Sheet \(scottsdaleaz.gov\)](http://scottsdaleaz.gov/CityofScottsdale-CaseInfoSheet)

Kelli Kuester

Exec Asst to City Manager | City of Scottsdale
480.312.2850 kkuester@scottsdaleaz.gov

From: Pauline Kelley <paulinelkelley@msn.com>
Sent: Monday, August 16, 2021 7:31 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>
Subject: DCR Arcadia Sissoo Trees

 **External Email: Please use caution if opening links or attachments!**

Dear Scottsdale Staff,

Wanted to make you aware that I, and many others, support the DC Ranch HOA in replacing the sissoo trees in the Arcadia neighborhood. Contrary to a small group of homeowners, this topic impacts the entire community and the City of Scottsdale. These trees are a hazard and should be replaced to reduce the risk to property and residents. The facts support this and please do not create a liability for our community and our city by not allowing for the replacement of these trees.

Regards,

Pauline Kelley
20227 N 102nd Place
Scottsdale, AZ 85255

Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 8:47 AM
To: Joseph Steinfeld
Cc: raylucchesi1@gmail.com
Subject: RE: Reference case 6-DR-2021

Hello Mr. Steinfeld,

Again, thank you for your comments. I will be sure that these particular comments are provided to the DRB on the day of the hearing, as the deadline past for this portion of the comments to be included in the report. I do want to confirm than any prior communications have been provided in staff's report to the DRB.

You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/city-development-review-board-public-comment).

I will also be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Sincerely,

Jesús

From: Joseph Steinfeld <jsteinfeld@askllp.com>
Sent: Sunday, August 15, 2021 9:55 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: raylucchesi1@gmail.com
Subject: Reference case 6-DR-2021

 **External Email: Please use caution if opening links or attachments!**

Dear Sir:

I along with my wife Jodi Steinfeld are owners of lot 3694 in the Arcadia neighborhood. Our address is 9782 East Legacy Lane. We strongly oppose the City of Scottsdale granting the DC Ranch Association's request to allow for the removal of our Sissoo trees. Retention of the trees are essential to keep the appearance of our unique neighborhood and can and should be maintained by the Association.

Destroying over 900 trees that have grown to mature trees without proper maintenance by the DC Ranch Association will only serve to reward the Association's malfeasance, while placing a huge financial burden on the home owners who had no role in causing the present situation.

By refusing the permit necessary for the removal of our Sissoo trees you will send a strong message to the Association that it needs to take responsibility for the root growth problem and work out a real solution of remediation that comports with the homeowners desire to keep the trees.

Thank you for your careful consideration of the homeowners position in resolving this issue.

Sent from my iPad

Joseph L. Steinfeld, Jr., Esq.
ASK LLP
2600 Eagan Woods Drive, Suite 400
St. Paul, MN 55121
Direct Dial: 651 289-3850
Cell: 703 626-7387
Fax: 651 406-9676
Email: jsteinfeld@askllp.com
Bankruptcy/Commercial: <http://www.askllp.com>
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Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 8:49 AM
To: MARLA WALBERG; City Manager Mailbox; Murphy, Bill; Stockwell, Brent
Subject: RE: Sissoo Trees - DC Ranch Arcadia Neighborhood

Hello Marla,

Again, thank you for your comments. I will be sure that these particular comments are provided to the DRB on the day of the hearing, as the deadline past for this portion of the comments to be included in the report. I do want to confirm than any prior communications have been provided in staff's report to the DRB.

You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://www.scottsdaleaz.gov/development-review-board/public-comment).

I will also be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Sincerely,

Jesús

From: MARLA WALBERG <mwalberg@cox.net>
Sent: Sunday, August 15, 2021 12:21 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>
Subject: Sissoo Trees - DC Ranch Arcadia Neighborhood

 **External Email: Please use caution if opening links or attachments!**

Dear Scottsdale Staff,

Wanted to make you aware that myself and many others support the DC Ranch HOA in replacing the sissoo trees in the Arcadia neighborhood. Contrary to a small group of homeowners, this topic impacts the entire community and the City of Scottsdale. These trees are a hazard and should be replaced to reduce risk to property and residents.

I have dealt with the these trees previously on another neighboring home to mine in DC Ranch where they completely uprooted the wall and caused extensive damage. The facts support their removal, please do not create a liability for our community and our city by not allowing for replacement of these trees.

Sincerely,

Marla Walberg

10092 E Flathorn Dr

Scottsdale, AZ 85255

Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 8:51 AM
To: George Hertzberg; Development Review Board; City Council
Cc: nhungntu@yahoo.com
Subject: RE: Request to Deny The Association the Removal of the Sisso Tress in Arcadia Silverleaf Community

Hello Mr. Hertzberg,

Again, thank you for your comments. I wanted to confirm receipt of you comments. I also wanted to confirm than any prior communications have been provided in staff's report to the DRB.

I will also be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Sincerely,

Jesús

From: George Hertzberg <george@gha-associates.com>
Sent: Sunday, August 15, 2021 1:35 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; City Council <CityCouncil@scottsdaleaz.gov>
Cc: nhungntu@yahoo.com
Subject: Request to Deny The Association the Removal of the Sisso Tress in Arcadia Silverleaf Community

⚠ External Email: Please use caution if opening links or attachments!

Dear Mr. Murillo, Development Review Board, and the City Council:

Ten short months ago by pure coincidence my wife and I drove into the Arcadia Community, and we were immediately impressed with the beautiful trees, the shade, the protection from the sun, the comfort provided by these trees, we immediately decided to purchase in Arcadia and closed on a home this last November. The trees made the difference, we stopped looking at other communities, and concentrated our new home search in Arcadia, an oasis in an otherwise very harsh desert environment.

One month after moving in I received a ballot to vote for three tree replacements. Since I didn't know enough about the issue I didn't vote. In hindsight I think this ballot was defective. I can't for the life of me understand why the ballot didn't include a fourth option for tree maintenance. Given all that I have learned, I vote for tree maintenance as a very simple low-cost solution and end this controversy!

I have listened carefully to both sides of the argument, attended an association and community meeting. The first 45 minutes of the association meeting was a presentation for another community that showed damage from the Sisso tree. Why would the association spend 45 minutes for a presentation and videos for a different community? Therefore, their presentation and points made to remove Sisso are not relevant to Arcadia.

What is relevant, **other than some cracks in the road, the association did not show any evidence for damage in Arcadia at this meeting.** The meeting was not a fair presentation of the problem. I take many walks in the community and I do not see any damage in the community that is being caused by the Sisso trees.

I also feel the amount of money requested is way overkill, the trees do not need to be removed, the association simply needs to do maintenance to treat and / or trim the trees at a much lower cost.

Removing the trees would hurt the residents, lower the property values, hurt the aesthetics, raise utility bills, reduce the amount of time available for walks in the shade, and reduce the amount of time kids can play outside.

Financially I learned the association paid \$90k to repair some cracks in the road. NO chief financial officer in America would pay \$3 million when only \$90k was needed to fix a few cracks in the road. Other than the cracks there are no other areas that are being damaged by the trees.

At the two meetings that I attended to discuss the tree issue, 12 people were in favor for keeping the trees and only one was opposed at the virtual association meeting. At the community meeting at the home of a neighbor, 20 people were in favor of keeping the trees and nobody was in favor of their removal.

For whatever the reason the association is not listening to the residents. They have **not** established a clear need to charge every resident an extra \$25k assessment and they are hurting the community in many other ways by removing these trees. I respectfully request the City of Scottsdale to stop the association from removing the Sisso trees and vote no!

Thank you for your time and consideration.

George Hertzberg

President, An ESOP Owned Company

GHA Technologies, Inc.

8998 E. Raintree | Scottsdale, AZ 85260

Office: 480-951-0036 | Cell: 480-695-1663 | email: george@gha-associates.com
www.gha-associates.com | [About Us](#) | [E-commerce Login](#) | [Marketing & Promotions](#)

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Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 8:52 AM
To: Steve Gray; City Council; Development Review Board
Subject: RE: Arcadia Sissoo Trees

Hello Mr. and Mrs. Gray,

I wanted to confirm receipt of you comments, and to remind you that any prior communications have been provided in staff's report to the DRB.

I will be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Again, thank you for your comments.

Sincerely,

Jesús

From: Steve Gray <stevegray@grayventurepartners.com>
Sent: Sunday, August 15, 2021 2:17 PM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Cc: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Arcadia Sissoo Trees

 **External Email: Please use caution if opening links or attachments!**

Good afternoon,

Simply stated, what the DC Ranch Association is planning and proposing to do with our Sissoo Trees is wrong!

- This "problem" has been known for at least 6 years and the Association has done absolutely nothing to manage/control/maintain the root growth
- Their solution is to remove the trees and replace them with different and fewer trees. I guess these trees won't have roots that they need to maintain because they have done nothing with the existing trees.
- We bought our home a little over 3 years ago and in my numerous conversations with the Association they never mentioned the "problem", they said we would love the tree canopy and commented on the distinctive neighborhood charm. Wow ... misleading at best, outright deception at worst.

They have absolutely railroaded this liability shifting, economically damaging, ecologically disruptive and extremely disruptive tree replacement plan. I would also note that in their "surveys", they did not allow comments and were dramatically biased. Hopefully, you all will not only deny the proposal, but also tell the Association to do their job and be more responsible to those of us who pay them.

Thank you!

Steve and Sally Gray
19445 N 99th Street

Lot #3642

Murillo, Jesus

From: Steve Gray <stevegray@grayventurepartners.com>
Sent: Monday, August 16, 2021 8:54 AM
To: Murillo, Jesus; City Council; Development Review Board
Subject: Re: Arcadia Sissoo Trees

⚠ External Email: Please use caution if opening links or attachments!

Thank you, Mr. Murillo ...

I truly appreciate your responsiveness and interest in this matter!!

Have a good day,

Steve

From: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Date: Monday, August 16, 2021 at 10:52 AM
To: Stephen Gray <stevegray@grayventurepartners.com>, City Council <CityCouncil@scottsdaleaz.gov>, Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Subject: RE: Arcadia Sissoo Trees

Hello Mr. and Mrs. Gray,

I wanted to confirm receipt of you comments, and to remind you that any prior communications have been provided in staff's report to the DRB.

I will be sending a link, and in-person instructions, for the day of the hearing today/tomorrow.

Again, thank you for your comments.

Sincerely,

Jesús

From: Steve Gray <stevegray@grayventurepartners.com>
Sent: Sunday, August 15, 2021 2:17 PM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Cc: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Arcadia Sissoo Trees

⚠ External Email: Please use caution if opening links or attachments!

Good afternoon,

Simply stated, what the DC Ranch Association is planning and proposing to do with our Sissoo Trees is wrong!

- This “problem” has been known for at least 6 years and the Association has done absolutely nothing to manage/control/maintain the root growth
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They have absolutely railroaded this liability shifting, economically damaging, ecologically disruptive and extremely disruptive tree replacement plan. I would also note that in their “surveys”, they did not allow comments and were dramatically biased. Hopefully, you all will not only deny the proposal, but also tell the Association to do their job and be more responsible to those of us who pay them.

Thank you!

Steve and Sally Gray
19445 N 99th Street
Lot #3642

Murillo, Jesus

From: Craig Hamelink <craighamelink@yahoo.com>
Sent: Monday, August 16, 2021 8:54 AM
To: City Council; Development Review Board; Murillo, Jesus
Subject: Arcadia petition

⚠ External Email: Please use caution if opening links or attachments!

Dear City of Scottsdale,

My name is Craig Hamelink and my wife and I live in the Arcadia neighborhood in Silverleaf Scottsdale. Our address is 19452 N 98th Pl. My wife and I purchased the property in 2016 and we did so because of the BEAUTIFUL tree lined streets. In the past 2 years we are seeing our dream home and neighborhood being threatened in losing its grand luster. We never imaged that the HOA would try to rip out our trees for no good reason at all. My wife and I understand the care that needs to be taken with the trees so that the root structure does not damage our foundation of our house. You see we have several on our property and a few years ago we removed 4 of them. IT WAS A DISASTER AND STILL IS! Once you remove the tree and the trunk, the tree keeps growing. That's right, the roots start spouting up and it has now been 3 years and we are still tearing up our yard to find all the roots to pull them out. I could not imagine what would happen if the HOA tried to cut down all the trees in the neighborhood. We would have a disaster on our hands and the cost would be astronomical to rectify the root issue. We are in favor of keeping the trees and working with the HOA to find a REASONABLE way to manage the trees. We request that the DRB vote to DENY applicants request for mass removal. PLEASE, PLEASE ,PLEASE do not let them remove the trees, Its just WRONG!

Best Regards,

Craig & Rebecca Hamelink

Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 9:20 AM
To: Craig Hamelink; City Council; Development Review Board
Subject: RE: Arcadia petition

Hello Mr. and Mrs. Hamelink,

Thank you for your comments and continued participation. I wanted to confirm receipt of your comments, and to remind you that any prior communications have been provided in staff's report to the DRB.

In my next steps, I will be sending a link (for virtual participation), and in-person instructions, for the day of the hearing today/tomorrow.

Sincerely,

Jesús

From: Craig Hamelink <craighamelink@yahoo.com>
Sent: Monday, August 16, 2021 8:54 AM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@ScottsdaleAz.Gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Arcadia petition

⚠ External Email: Please use caution if opening links or attachments!

Dear City of Scottsdale,

My name is Craig Hamelink and my wife and I live in the Arcadia neighborhood in Silverleaf Scottsdale. Our address is 19452 N 98th Pl. My wife and I purchased the property in 2016 and we did so because of the BEAUTIFUL tree lined streets. In the past 2 years we are seeing our dream home and neighborhood being threatened in losing its grand luster. We never imaged that the HOA would try to rip out our trees for no good reason at all. My wife and I understand the care that needs to be taken with the trees so that the root structure does not damage our foundation of our house. You see we have several on our property and a few years ago we removed 4 of them. IT WAS A DISASTER AND STILL IS! Once you remove the tree and the trunk, the tree keeps growing. That's right, the roots start spouting up and it has now been 3 years and we are still tearing up our yard to find all the roots to pull them out. I could not imagine what would happen if the HOA tried to cut down all the trees in the neighborhood. We would have a disaster on our hands and the cost would be astronomical to rectify the root issue. We are in favor of keeping the trees and working with the HOA to find a REASONABLE way to manage the trees. We request that the DRB vote to DENY applicants request for mass removal. PLEASE, PLEASE ,PLEASE do not let them remove the trees, Its just WRONG!

Best Regards,

Craig & Rebecca Hamelink

Murillo, Jesus

From: Murillo, Jesus
Sent: Monday, August 16, 2021 11:29 AM
To: blake.miraglia@gmail.com
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Hello Blake,

My pleasure. I will provide this particular email to the DRB the day of the hearing, but it is too late to include in the report. I did want to mention that your previous email was included in the report provided to the DRB. Please feel free to use this link to provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://cityofscottsdaleaz.gov/development-review-board-public-comment). I will provide next steps for the hearing by today/tomorrow.

Sincerely,

Jesús

From: Blake Miraglia <blake.miraglia@gmail.com>
Sent: Friday, August 13, 2021 9:14 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

 **External Email: Please use caution if opening links or attachments!**

Jesus,

Thank you for continuing to keep us in the loop!

I can't tell you how frustrating this is. I previously sent in an opposition letter in the Spring, so I'll keep this one shorter.

I own a home in Arcadia at Silverleaf and I'm writing **to voice my strong opposition** to the DC Ranch Association's plan to remove my privately owned street lined trees and the common area trees. **Please reject the DCRA request in Case 6-DR-2021** to remove trees and require them to work with homeowners on an acceptable solution.

Please note that my wife and I purchased our home at 9901 E Kemper Way in Arcadia at Silverleaf in 2017 after looking at neighborhoods all over north Scottsdale. Once we had entered Arcadia at Silverleaf and saw the trees, no other neighborhood was even considered because we loved the trees. **Please also note that I owned a tree company with more than a million palm and desert ornamental trees (including Sissoo's), so I also have extensive experience with trees.**

The HOA Board was aware of the need to maintain Sissoo tree roots as early as late 2015 or early 2016. They even replaced 16 Sissoo trees at the park located at Ethel Garden in early 2016.

It's my understanding that soon after Darren Shaw was hired that he expressed concern to the Board of potential liability related to not maintaining the Sissoo trees. I was told that the HOA Board had their counsel review this concern, and that she reported back that the HOA Board members may have personal liability. Accordingly, instead of immediately initiating a maintenance plan, they devised a strategy to have the trees removed. They had already made this decision when they reported it to the community in late 2018/early 2019 and after they had already begun the process of building a case to remove the trees. The contractors used for the estimates and feedback were looking at revenue opportunities in the millions if they won the job - not to mention helping their relationship with DMB that might bring other opportunities to them, so I feel like they had a conflict of interest as well to make a specific recommendation (obviously they had no opportunity to win a multi-million dollar job if the trees didn't need to be replaced).

In early 2019 when I learned of the HOA's plan to remove the trees, I volunteered to serve on a Neighborhood Committee for the purpose of evaluating options for the Sissoo trees that line the streets, parks and common areas. I worked directly with Darren Shaw, the Board and our neighbors. Darren and the Board presented a strong case that the Sissoo trees must be replaced, and we assumed they were telling us the truth and that they were being fully forthcoming. But then, we learned that some of the information was false or mis-leading. In fact, we were initially told that Verrado had already made the decision to remove the Sissoo trees from their neighborhood. We later learned that was false - Verrado engaged DLC Resources to maintain their Sissoo trees and they were not replacing them all. We subsequently interviewed multiple landscape companies that said the trees could absolutely be maintained as well as arborists. We also interviewed experts in Ground Penetrating Radar and other technologies that might also help those concerned with a maintenance plan with regard to monitoring the roots and addressing them prior to any significant damage.

I strongly believe the proposals, neighborhood committee, biased surveys (with no option for keeping the trees) developed to get a specific outcome were all an effort to make the case to the City that this is the only option when they knew and know there are others (we know Verrado is successfully implementing a maintenance plan, Ground Penetrating Radar has proven very effective at maintaining tree roots, root barriers, watering, etc. all have proven successful at maintaining these roots). **Please remember that I'm not an ignorant homeowner with regard to this issue - I owned a company that sold Sissoo's in 1 gallon, 5 gallon, 15 gallon, 24" box, 36" box, 48" box and 60" box sizes throughout southern California and Arizona.** We supplied trees to Lowes and Home Depot in Arizona as well as other tree companies and nurseries.

Last, I want to refer you to the HOA's own renderings. To suggest this won't be disruptive and have huge consequences in our neighborhood is disingenuous at best. Even after five years, the neighborhood won't look anything close to what it does today. See below:

[Current as January 2020 - even bigger/better now]



[Rendering by Collectiv after 5 years]



Please note that I'm available to discuss all of this with you and would love the opportunity to tell you more.

Thanks,

Blake Miraglia

20343 N Hayden Rd Ste 105-333

Scottsdale, AZ 85255

760-272-5606

blake.miraglia@gmail.com

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this

On Thu, Aug 12, 2021 at 6:20 PM Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

As stated before, the Development Review Board (DRB) public hearings are conducted in a multi-participatory manner. The Development Review Board hearings allow for in-person and virtual participation for people who wish to provide their comments on a scheduled item. Staff is working on steps to be ensure everyone's voice is heard under both of these means of participation.

I wanted to thank all of those that have contacting me identifying how they planned on participating in the hearing process. This has helped staff better prepare to accommodate all those that wish to provide their comments, other than via email. I will be sending a follow-up email providing information on how this be achieved and a link for those that will be participating via the virtual method. There are a large number of "in-person" participants, so staff is preparing a plan on how this will be executed and the best way possible to stay in keeping with COVID measures. I thank you for your patience as staff confirms these steps. I hope to have this information by Monday/Tuesday. Again, thank you for your patience.

I also wanted to remind you know that all correspondence received, up until to 2:00 p.m. today, was provided in the staff's report to the Development Review Board. You may still send me additional correspondence that will be provided to the DRB on the day of the hearing. You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/city-development-review-board-public-comment).

Below you will find a link to the DRB Agenda, which contains staff's report (Item No. 6).

Link to 8-19-2021 DRB Hearing Agenda: [SCOTTSDALE \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/scottsdale)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**
Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

The file is rather large due to the inclusion of all received correspondences.

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Again, staff will provide a link for the virtual meeting, and I will forward that link to this group. I will also be providing instructions for those that will be attending in person. Please see below my signature for the location of the hearing (area in red) and some possible places to park (area in yellow).

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo

Senior Planner

City of Scottsdale

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, AZ 85251

Phone: 480-312-7849

Fax: 480-312-9037

Get informed!



The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.

Murillo, Jesus

From: Michael Zimmerman <Mike@teamzimm.com>
Sent: Sunday, August 15, 2021 7:46 PM
To: City Council; Development Review Board; Murillo, Jesus
Subject: Reference case 6-DR-2021
Attachments: Zimmerman Lot 3616 - Reference case 6-DR-2021.pdf

⚠ External Email: Please use caution if opening links or attachments!

Please see the attached letter regarding Reference case 6-DR-2021. My wife and I do not support DC Ranch Association's request for mass tree removal. We request a vote to deny the applicant.

Thank you,

Michael and Allison Zimmerman
Team Zimm Family Trust
Lot 3616

August 15, 2021

Michael Zimmerman
Homeowner Lot 3616, Arcadia at Silverleaf
16519 N. 98th Pl.
Scottsdale, AZ 85255

VIA EMAIL

City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Attn: Jesús Murillo, City Council, Development Review Board

jmurillo@scottsdaleaz.gov

Citycouncil@scottsdaleaz.gov

DevelopmentReviewBoard@ScottsdaleAz.gov

Re: Homeowner Majority Petition Against Tree Removal
Case: 6-DR-2021 (DC Ranch, Arcadia at Silverleaf)

Ladies and Gentlemen:

Concerning the upcoming August 19th DRB hearing, a majority of homeowners respectfully request the following of the DRB:

- **Vote to Deny applicant's request for wholesale tree removal.**
- Suggest the applicant work with homeowners on a more reasonable proposal – specifically a tree/landscape maintenance program.
- Vote to continue the case if a reasonable resolution cannot be established at the time of the hearing.

The attached petition in opposition to the removal of 670 privately owned trees was recently circulated to homeowners in the neighborhood. Despite the fact that a significant number of residents are away for the summer season, **a majority, 72 out of 123 total lots, oppose the Association's plan** currently under City review. A list of petitioners is attached for consideration.

The DC Ranch Association is attempting to unilaterally force without the consent of the neighborhood, for city approval, a plan to cut down and remove 670 privately owned trees. The removal of these trees is not in the best interest of the homeowners, the community or city of Scottsdale. Personally, I have noticed the root issues the trees have caused to the road. I have also noticed the locations where the roots have been cut and the road fixed. Since the DC Ranch association has already fixed some of the root issues from the Sisso trees, I understand the

difference between root mitigation strategies and complete removal of the trees. The root mitigation strategies is less obtrusive to the community. It also allows us to keep fully mature trees. I have grave concerns with removal of 670 trees and replanting of new ones. This will result in unnecessary time and money spent by the HOA. In addition, these tree look fantastic. New small trees will make this mature neighborhood look horrible for a number of years to come.

The Association does not have the support, consent, or approval of the neighborhood to remove the tress and has not attempted to adequately address the legitimate concerns of the neighbors regarding this matter. Therefore, the attached petition should serve as legitimate validation for the DRB to deny the association's request.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Zimmerman", with a stylized flourish at the end.

Michael Zimmerman

Team Zimm Family Trust

**Petition
Homeowners of Arcadia at Silverleaf
August 5, 2021**

The following homeowners state the following:

1. I am an owner of real property in the Arcadia at Silverleaf neighborhood, legally known as DC Ranch Parcel T7 (referred to herein as the "Arcadia Neighborhood");
2. The Amended and Restated Supplemental Declaration of Covenants, Conditions and Restrictions (the "Amended CCRS") for the Arcadia Neighborhood were filed on April 1, 2005;
3. Pursuant to Section 8 of the Amended CCRS, the DC Ranch Association (the "HOA") was made legally responsible for maintaining the street trees that are privately owned on each parcel in the Arcadia Neighborhood;
4. I oppose the application of the HOA to the City of Scottsdale to remove 670 mature trees from the Arcadia Neighborhood;
5. I respectfully request the HOA to comply with the Amended CCRS to create a root maintenance plan and implement such plan with respect to all trees in the Arcadia Neighborhood.

Respectfully submitted,

Homeowner Name	Address	Lot No.
Michael Zimmerman	19296 N. 98 th Pl. Scottsdale, AZ 85255	3616

Murillo, Jesus

From: Steve Gray <stevegray@grayventurepartners.com>
Sent: Sunday, August 15, 2021 2:17 PM
To: City Council; Development Review Board
Cc: Murillo, Jesus
Subject: Arcadia Sissoo Trees

⚠ External Email: Please use caution if opening links or attachments!

Good afternoon,

Simply stated, what the DC Ranch Association is planning and proposing to do with our Sissoo Trees is wrong!

- This “problem” has been known for at least 6 years and the Association has done absolutely nothing to manage/control/maintain the root growth
- Their solution is to remove the trees and replace them with different and fewer trees. I guess these trees won’t have roots that they need to maintain because they have done nothing with the existing trees.
- We bought our home a little over 3 years ago and in my numerous conversations with the Association they never mentioned the “problem”, they said we would love the tree canopy and commented on the distinctive neighborhood charm. Wow ... misleading at best, outright deception at worst.

They have absolutely railroaded this liability shifting, economically damaging, ecologically disruptive and extremely disruptive tree replacement plan. I would also note that in their “surveys”, they did not allow comments and were dramatically biased. Hopefully, you all will not only deny the proposal, but also tell the Association to do their job and be more responsible to those of us who pay them.

Thank you!

Steve and Sally Gray
19445 N 99th Street
Lot #3642

Murillo, Jesus

From: George Hertzberg <george@gha-associates.com>
Sent: Sunday, August 15, 2021 1:35 PM
To: Murillo, Jesus; Development Review Board; City Council
Cc: nhungntu@yahoo.com
Subject: Request to Deny The Association the Removal of the Sisso Tress in Arcadia Silverleaf Community

⚠ External Email: Please use caution if opening links or attachments!

Dear Mr. Murillo, Development Review Board, and the City Council:

Ten short months ago by pure coincidence my wife and I drove into the Arcadia Community, and we were immediately impressed with the beautiful trees, the shade, the protection from the sun, the comfort provided by these trees, we immediately decided to purchase in Arcadia and closed on a home this last November. The trees made the difference, we stopped looking at other communities, and concentrated our new home search in Arcadia, an oasis in an otherwise very harsh desert environment.

One month after moving in I received a ballot to vote for three tree replacements. Since I didn't know enough about the issue I didn't vote. In hindsight I think this ballot was defective. I can't for the life of me understand why the ballot didn't include a fourth option for tree maintenance. Given all that I have learned, I vote for tree maintenance as a very simple low-cost solution and end this controversy!

I have listened carefully to both sides of the argument, attended an association and community meeting. The first 45 minutes of the association meeting was a presentation for another community that showed damage from the Sisso tree. Why would the association spend 45 minutes for a presentation and videos for a different community? Therefore, their presentation and points made to remove Sisso are not relevant to Arcadia.

What is relevant, **other than some cracks in the road, the association did not show any evidence for damage in Arcadia at this meeting.** The meeting was not a fair presentation of the problem. I take many walks in the community and I do not see any damage in the community that is being caused by the Sisso trees.

I also feel the amount of money requested is way overkill, the trees do not need to be removed, the association simply needs to do maintenance to treat and / or trim the trees at a much lower cost.

Removing the trees would hurt the residents, lower the property values, hurt the aesthetics, raise utility bills, reduce the amount of time available for walks in the shade, and reduce the amount of time kids can play outside.

Financially I learned the association paid \$90k to repair some cracks in the road. NO chief financial officer in America would pay \$3 million when only \$90k was needed to fix a few cracks in the road. Other than the cracks there are no other areas that are being damaged by the trees.

At the two meetings that I attended to discuss the tree issue, 12 people were in favor for keeping the trees and only one was opposed at the virtual association meeting. At the community meeting at the home of a neighbor, 20 people were in favor of keeping the trees and nobody was in favor of their removal.

For whatever the reason the association is not listening to the residents. They have **not** established a clear need to charge every resident an extra \$25k assessment and they are hurting the community in many other ways by removing these trees. I respectfully request the City of Scottsdale to stop the association from removing the Sisso trees and vote no!

Thank you for your time and consideration.

George Hertzberg

President, An ESOP Owned Company

GHA Technologies, Inc.

8998 E. Raintree | Scottsdale, AZ 85260

Office: 480-951-0036 | Cell: 480-695-1663 | email: george@gha-associates.com

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Murillo, Jesus

From: MARLA WALBERG <mwalberg@cox.net>
Sent: Sunday, August 15, 2021 12:21 PM
To: Murillo, Jesus; City Manager Mailbox; Murphy, Bill; Stockwell, Brent
Subject: Sissoo Trees - DC Ranch Arcadia Neighborhood

 **External Email: Please use caution if opening links or attachments!**

Dear Scottsdale Staff,

Wanted to make you aware that myself and many others support the DC Ranch HOA in replacing the sissoo trees in the Arcadia neighborhood. Contrary to a small group of homeowners, this topic impacts the entire community and the City of Scottsdale. These trees are a hazard and should be replaced to reduce risk to property and residents.

I have dealt with these trees previously on another neighboring home to mine in DC Ranch where they completely uprooted the wall and caused extensive damage. The facts support their removal, please do not create a liability for our community and our city by not allowing for replacement of these trees.

Sincerely,

Marla Walberg

10092 E Flathorn Dr

Scottsdale, AZ 85255

Murillo, Jesus

From: Joseph Steinfeld <jsteinfeld@askllp.com>
Sent: Sunday, August 15, 2021 9:55 AM
To: Murillo, Jesus
Cc: raylucchesi1@gmail.com
Subject: Reference case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

Dear Sir:

I along with my wife Jodi Steinfeld are owners of lot 3694 in the Arcadia neighborhood. Our address is 9782 East Legacy Lane. We strongly oppose the City of Scottsdale granting the DC Ranch Association's request to allow for the removal of our Sissoo trees. Retention of the trees are essential to keep the appearance of our unique neighborhood and can and should be maintained by the Association.

Destroying over 900 trees that have grown to mature trees without proper maintenance by the DC Ranch Association will only serve to reward the Association's malfeasance, while placing a huge financial burden on the home owners who had no role in causing the present situation.

By refusing the permit necessary for the removal of our Sissoo trees you will send a strong message to the Association that it needs to take responsibility for the root growth problem and work out a real solution of remediation that comports with the homeowners desire to keep the trees.

Thank you for your careful consideration of the homeowners position in resolving this issue.

Sent from my iPad

Joseph L. Steinfeld, Jr., Esq.
ASK LLP
2600 Eagan Woods Drive, Suite 400
St. Paul, MN 55121
Direct Dial: 651 289-3850
Cell: 703 626-7387
Fax: 651 406-9676
Email: jsteinfeld@askllp.com
Bankruptcy/Commercial: <http://www.askllp.com>
Mass Tort/Personal Injury: <http://asklawyersforjustice.com>

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please E-mail the sender and delete the material from any computer. Thank you.

Murillo, Jesus

From: Kaycee Desmarteau <kaycee.kitzmiller@gmail.com>
Sent: Sunday, August 15, 2021 8:17 AM
To: City Council; Development Review Board; Murillo, Jesus
Subject: Sissoo Tree Removal - Case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

To whom it may concern,

My name is Kaycee Kitzmiller Desmarteau, and I am an owner and resident of Arcadia Silverleaf in DC Ranch. I am writing in reference of case 6-DR-2021, to you to express my sincere wish to keep our privately owned trees. I am asking that the DRB vote to deny the applicant's request for the mass tree removal in our neighborhood. It is my hope that the association and the homeowners can work together to come up with a reasonable solution to maintain the trees and keep the aesthetic of our beautiful neighborhood in tact. I am a mother of two small children, and one of the main reasons I purchased a lot in here and spent two years building a home was because of the trees. They provide shade on the streets and allow my children and my dog to enjoy the outdoors a little longer than normal, as the trees provide shade and a very clear temperature difference. On 8/4/21, a fellow resident took temperatures of the area to emphasize the impact our trees have. The results were as follows:

Wednesday Aug 4th @ 3:30pm

Legacy Rd	155 degrees
Pathway into Arcadia	123 "
Shaded road in front of my house	120 "
Shaded Park	93 "
Sunny side of house	174 "
Shaded side of house	115 "

I am very concerned about the property value of my home and my neighbors homes, should the trees be removed. In addition to this, I am aware of a very large cost (multi million dollar assessment) related to the replacement of the trees. I myself have a corner lot, which includes 8-9 of the trees in question. Understandably, I am not wanting to absorb and incredibly large financial cost to remove trees (that I, along with the majority of our neighbors wish to stay). With the ongoing pandemic, and two small children, this is not a check that I would like to write. I know I am not the only resident/owner with this position.

I respect the time and effort of everyone involved in this ongoing process, and hope that you receive this email well and can understand my sincere wish to keep our trees. I am certain there is another solution, which includes but is not limited to the very much needed maintenance of our trees (something the HOA has neglected for years). In short, our HOA does not have the support, consent, or approval of myself and the majority of the neighborhood to remove our beautiful trees. Trees that set our neighborhood apart from almost another other. Trees that provide shade for our pets, children and our homes. Trees that provide a wonderful micro-climate and if removed, would have a long term, negative affect on our neighborhood, as well as the environment.

Respectfully,
Kaycee Kitzmiller Desmarteau
480-236-3296

Murillo, Jesus

From: Tasha Curry <tashacurry@me.com>
Sent: Sunday, August 15, 2021 7:30 AM
To: City Council; Development Review Board; Murillo, Jesus
Subject: Arcadia trees

⚠ External Email: Please use caution if opening links or attachments!

John and Tasha Curry
18802 N 97th PL
Scottsdale, AZ 85255

John and I bought in Arcadia Silverleaf because of the the large trees and the shade provided by the trees in the park areas. We weren't even actually told about the possibility of 670 trees begin removed. Not only the mass removal but that we would have to pay such a large amount of money for the destruction of something we love and the reason we bought the lot and built in the first place.

We are asking that you don't approve this drastic measure and instead help us come to a reasonable solution.

Thanks

Tasha Curry

Sent from my iPhone

Murillo, Jesus

From: Kaycee Desmarteau <kaycee.kitzmiller@gmail.com>
Sent: Saturday, August 14, 2021 8:46 PM
To: Murillo, Jesus
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Hi Jesus,

Sorry for the late response! I have a change of plans so I would like to attend the meeting on Thursday. Hope this is still ok?

Thank you,
Kaycee Desmarteau

Sent from my iPhone

On Aug 12, 2021, at 6:20 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

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I wanted to thank all of those that have contacting me identifying how they planned on participating in the hearing process. This has helped staff better prepare to accommodate all those that wish to provide their comments, other than via email. I will be sending a follow-up email providing information on how this be achieved and a link for those that will be participating via the virtual method. There are a large number of "in-person" participants, so staff is preparing a plan on how this will be executed and the best way possible to stay in keeping with COVID measures. I thank you for your patience as staff confirms these steps. I hope to have this information by Monday/Tuesday. Again, thank you for your patience.

I also wanted to remind you know that all correspondence received, up until to 2:00 p.m. today, was provided in the staff's report to the Development Review Board. You may still send me additional correspondence that will be provided to the DRB on the day of the hearing. You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/cityofscottsdale-development-review-board-public-comment).

Below you will find a link to the DRB Agenda, which contains staff's report (Item No. 6).

Link to 8-19-2021 DRB Hearing Agenda: [SCOTTSDALE \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/scottsdale)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**

Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

The file is rather large due to the inclusion of all received correspondences.

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Again, staff will provide a link for the virtual meeting, and I will forward that link to this group. I will also be providing instructions for those that will be attending in person. Please see below my signature for the location of the hearing (area in red) and some possible places to park (area in yellow).

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!

<image001.png>

<image002.png>

<image003.png>

The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.

<image004.png>

Murillo, Jesus

From: Susan Grace <sg.susangrace@gmail.com>
Sent: Saturday, August 14, 2021 11:15 AM
To: Murillo, Jesus
Subject: Re: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan

⚠ External Email: Please use caution if opening links or attachments!

Thank you. I will also submit my comments directly to the DRB.

On Aug 14, 2021, at 11:13 AM, Murillo, Jesus <JMurillo@ScottsdaleAz.Gov> wrote:

Thank you Susan,

I will be sure it is included on the dias for the DRB on Thursday. You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://cityofscottsdaleaz.gov/development-review-board/public-comment).

Sincerely,

Jesús

From: Susan Grace <sg.susangrace@gmail.com>
Sent: Saturday, August 14, 2021 10:13 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Fwd: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan

⚠ External Email: Please use caution if opening links or attachments!

Mr. Murillo,

I apologize for using an incorrect address on my group email.

Susan Grace

Begin forwarded message:

From: Susan Grace <sg.susangrace@gmail.com>
Subject: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan
Date: August 14, 2021 at 10:10:53 AM MST
To: "CityManager@scottsdaleaz.gov" <CityManager@ScottsdaleAZ.gov>, "BStockwell@scottsdaleaz.gov" <BStockwell@ScottsdaleAZ.gov>, "bmurphy@scottsdaleaz.gov", "JMurillo@scottsdale.gov" <JMurillo@Scottsdale.gov>

Gentlemen,

Please read the attached comments.

Thank you,

Susan Grace

Former President, DC Ranch Association Board of Directors

Murillo, Jesus

From: Murillo, Jesus
Sent: Saturday, August 14, 2021 11:13 AM
To: Susan Grace
Subject: RE: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan

Thank you Susan,

I will be sure it is included on the dias for the DRB on Thursday. You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://www.scottsdaleaz.gov/development-review-board).

Sincerely,

Jesús

From: Susan Grace <sg.susangrace@gmail.com>
Sent: Saturday, August 14, 2021 10:13 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Fwd: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan

 **External Email: Please use caution if opening links or attachments!**

Mr. Murillo,

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Susan Grace

Begin forwarded message:

From: Susan Grace <sg.susangrace@gmail.com>
Subject: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan
Date: August 14, 2021 at 10:10:53 AM MST
To: "CityManager@scottsdaleaz.gov" <CityManager@ScottsdaleAZ.gov>, "BStockwell@scottsdaleaz.gov" <BStockwell@ScottsdaleAZ.gov>, bmurphy@scottsdaleaz.gov, "JMurillo@scottsdale.gov" <JMurillo@Scottsdale.gov>

Gentlemen,

Please read the attached comments.

Thank you,

Susan Grace
Former President, DC Ranch Association Board of Directors

Murillo, Jesus

From: Susan Grace <sg.susangrace@gmail.com>
Sent: Saturday, August 14, 2021 10:13 AM
To: Murillo, Jesus
Subject: Fwd: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan
Attachments: Letter to City re Sissoo.docx

 **External Email: Please use caution if opening links or attachments!**

Mr. Murillo,

I apologize for using an incorrect address on my group email.

Susan Grace

Begin forwarded message:

From: Susan Grace <sg.susangrace@gmail.com>
Subject: DC Ranch: Arcadia at Silverleaf, Sissoo Tree Replacement Plan
Date: August 14, 2021 at 10:10:53 AM MST
To: "CityManager@scottsdaleaz.gov" <CityManager@ScottsdaleAZ.gov>, "BStockwell@scottsdaleaz.gov" <BStockwell@ScottsdaleAZ.gov>, bmurphy@scottsdaleaz.gov, "JMurillo@scottsdale.gov" <JMurillo@Scottsdale.gov>

Gentlemen,

Please read the attached comments.

Thank you,

Susan Grace
Former President, DC Ranch Association Board of Directors

I write to you as the former President of the DC Ranch Association Board of Directors. Concerning Sissoo trees, I initiated and/or approved an Arcadia at Silverleaf neighborhood committee, town hall meetings, landscape consultants and arborist contracts, plans and renderings, and spent many hours meeting with experts, homeowners, staff, and Board members.

Late in 2015, landscape staff recognized the adverse impact of Sissoo tree roots on the infrastructure and late in the year the first meeting with homeowners was held. As happens, staffing changes occurred and in April 2017 with the selection of a new Executive Director, efforts to evaluate the matter intensified. Landscape staff, the Covenant Commission (responsible for custom home design standards), arborists and road specialists (damage was apparent) were consulted. We also began consultations with legal counsel to fully understand homeowner and association liability and to engage the developer, DMB, who chose and installed the trees.

These activities took time to complete and yet were necessary before actively engaging the Arcadia homeowners in what was anticipated to be the most challenging, expensive, and emotional issue the Association had faced. In March 2019 we conducted the first of several town hall meetings with the neighborhood. We provided homeowners background information and presentations were made by three independent arborists who also responded to questions. Although one arborist felt mitigation rather than replacement could address the problems temporarily, the consensus among the experts was that removal was required. Next, we assisted Arcadia homeowners in the formation of a committee to review data, explore options and make recommendations to the Board of Directors, as called for in DC Ranch documents for issues that may require additional assessments. Homeowner representatives were elected by their neighbors to serve on the committee. After several meetings most committee members indicated a desire to remove and replace the trees rather than attempt temporary mitigation measures. The plan was to be staggered over several years and to reduce the financial burden, homeowners would be given options for paying the special assessment. Several different replacement trees were considered and later would be put to a vote by homeowners. The plan was always to replace the Sissoos with trees with a large canopy to provide some shade with a less intrusive root system.

As time passed and information was shared, individuals and small groups of homeowners took interest and the committee's work unraveled. Unfounded rumors and stall tactics took over and some owners investigated legal options, in part to persuade the Board to keep the Sissoo trees. The Board of Directors granted the committee extensions so they could resolve differences and reach consensus, but that was not possible.

To conclude, the actions of the Board of Directors were always driven by the expertise of independent professionals, minimizing liability impacts and retaining property values and aesthetics of the Arcadia neighborhood. Homeowners were provided substantial opportunity for input and their views were incorporated where possible. Although I have not seen the plan now before the City's review board, based on my extensive involvement from the start, I am confident that the Association has put forth an appropriate and reasonable removal and replacement plan for Arcadia.

Thank you for your time and consideration.

Murillo, Jesus

From: Murillo, Jesus
Sent: Saturday, August 14, 2021 9:52 AM
To: Cindy Clayton
Subject: RE: Reference case 6-DR-2021

Hello Cindy and Marshall,

Again, thank you for your comments. I will be sure that these particular comments are provided to the DRB on the day of the hearing, as the deadline past for this portion of the comments to be included in the report. I do want to confirm than any prior communications have been provided in staff's report to the DRB.

I will also be sending a link, and in-person instructions, for the day of the hearing on Monday/Tuesday.

Sincerely,

Jesús

From: Cindy Clayton <cindy0559@gmail.com>
Sent: Wednesday, August 11, 2021 3:11 PM
Subject: Reference case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

To Whom It May Concern,

Hello, we are residents in the beautiful neighborhood of Arcadia at Silverleaf in DC Ranch. We are one of the majority of lot owners that absolutely oppose the removal of 670 of our Sissou trees that line our streets.

This issue has been very disconcerting to us as the DC Ranch Association and DMB basically decided that these trees need to be removed because of root damage that they may cause, and want to take no responsibility for. The issue of the Sissou trees was never disclosed by the association/DMB and now they unilaterally want to take our beautiful trees down to avoid any liability. This is not the kind of association that we were expecting. When you are part of a neighborhood like ours, you expect the association that you pay your dues to, to work with you to find the best solution to a problem. There are other ways to handle this that have been presented, that they have chosen to basically ignore. Plus, tearing down the trees brings on a whole new set of issues.

Let us start by saying that we love our neighborhood. Part of the reason we fell in love with the neighborhood were the trees and common park areas. We love the shade, we love to walk, we love the aesthetic, and we love being a part of this community. Taking down the trees will change the whole look and feel of a neighborhood that we all love. This is not the kind of issue we were expecting and couldn't have imagined. To potentially be assessed for an issue that was knowingly created by DMB and knowingly kept from us is unthinkable. And again, we must stress that part of the reason we moved to Arcadia was for our beautiful trees.

Please, we are asking the city to consider the signed petition and letters being sent. We completely are against removing the Sissou trees and ask that you really consider our petition and the majority of homeowners that want to keep our neighborhood in tact.

Thank you for your time in this important matter. We greatly appreciate it!

Cindy and Marshall Clayton

18903 North 98th Way, Scottsdale, AZ 85255

Lot 3693

Murillo, Jesus

From: Murillo, Jesus
Sent: Saturday, August 14, 2021 9:00 AM
To: blake.miraglia@gmail.com
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Hello Blake,

I can appreciate the frustration. I will be sure that your comments are provided to the DRB on the day of the hearing, as the deadline past for this portion of the comments to be included in the report. I do want to confirm than any prior communications have been provided in staff's report to the DRB.

I will also be sending a link, and in-person instructions, for the day of the hearing on Monday/Tuesday.

Sincerely,

Jesús

From: Blake Miraglia <blake.miraglia@gmail.com>
Sent: Friday, August 13, 2021 9:14 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

 **External Email: Please use caution if opening links or attachments!**

Jesus,

Thank you for continuing to keep us in the loop!

I can't tell you how frustrating this is. I previously sent in an opposition letter in the Spring, so I'll keep this one shorter.

I own a home in Arcadia at Silverleaf and I'm writing **to voice my strong opposition** to the DC Ranch Association's plan to remove my privately owned street lined trees and the common area trees. **Please reject the DCRA request in Case 6-DR-2021** to remove trees and require them to work with homeowners on an acceptable solution.

Please note that my wife and I purchased our home at 9901 E Kemper Way in Arcadia at Silverleaf in 2017 after looking at neighborhoods all over north Scottsdale. Once we had entered Arcadia at Silverleaf and saw the trees, no other neighborhood was even considered because we loved the trees. **Please also note that I owned a tree company with more than a million palm and desert ornamental trees (including Sissoo's), so I also have extensive experience with trees.**

The HOA Board was aware of the need to maintain Sissoo tree roots as early as late 2015 or early 2016. They even replaced 16 Sissoo trees at the park located at Ethel Garden in early 2016.

It's my understanding that soon after Darren Shaw was hired that he expressed concern to the Board of potential liability related to not maintaining the Sissoo trees. I was told that the HOA Board had their counsel review this concern, and that she reported back that the HOA Board members may have personal liability. Accordingly, instead of immediately initiating a maintenance plan, they devised a strategy to have the trees removed. They had already made this decision when they reported it to the community in late 2018/early 2019 and after they had already begun the process of building a case to remove the trees. The contractors used for the estimates and feedback were looking at revenue opportunities in the millions if they won the job - not to mention helping their relationship with DMB that might bring other opportunities to them, so I feel like they had a conflict of interest as well to make a specific recommendation (obviously they had no opportunity to win a multi-million dollar job if the trees didn't need to be replaced).

In early 2019 when I learned of the HOA's plan to remove the trees, I volunteered to serve on a Neighborhood Committee for the purpose of evaluating options for the Sissoo trees that line the streets, parks and common areas. I worked directly with Darren Shaw, the Board and our neighbors. Darren and the Board presented a strong case that the Sissoo trees must be replaced, and we assumed they were telling us the truth and that they were being fully forthcoming. But then, we learned that some of the information was false or mis-leading. In fact, we were initially told that Verrado had already made the decision to remove the Sissoo trees from their neighborhood. We later learned that was false - Verrado engaged DLC Resources to maintain their Sissoo trees and they were not replacing them all. We subsequently interviewed multiple landscape companies that said the trees could absolutely be maintained as well as arborists. We also interviewed experts in Ground Penetrating Radar and other technologies that might also help those concerned with a maintenance plan with regard to monitoring the roots and addressing them prior to any significant damage.

I strongly believe the proposals, neighborhood committee, biased surveys (with no option for keeping the trees) developed to get a specific outcome were all an effort to make the case to the City that this is the only option when they knew and know there are others (we know Verrado is successfully implementing a maintenance plan, Ground Penetrating Radar has proven very effective at maintaining tree roots, root barriers, watering, etc. all have proven successful at maintaining these roots). **Please remember that I'm not an ignorant homeowner with regard to this issue - I owned a company that sold Sissoo's in 1 gallon, 5 gallon, 15 gallon, 24" box, 36" box, 48" box and 60" box sizes throughout southern California and Arizona.** We supplied trees to Lowes and Home Depot in Arizona as well as other tree companies and nurseries.

Last, I want to refer you to the HOA's own renderings. To suggest this won't be disruptive and have huge consequences in our neighborhood is disingenuous at best. Even after five years, the neighborhood won't look anything close to what it does today. See below:

[Current as January 2020 - even bigger/better now]



[Rendering by Collectiv after 5 years]



Please note that I'm available to discuss all of this with you and would love the opportunity to tell you more.

Thanks,

Blake Miraglia

20343 N Hayden Rd Ste 105-333

Scottsdale, AZ 85255

760-272-5606

blake.miraglia@gmail.com

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this

On Thu, Aug 12, 2021 at 6:20 PM Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

As stated before, the Development Review Board (DRB) public hearings are conducted in a multi-participatory manner. The Development Review Board hearings allow for in-person and virtual participation for people who wish to provide their comments on a scheduled item. Staff is working on steps to be ensure everyone's voice is heard under both of these means of participation.

I wanted to thank all of those that have contacting me identifying how they planned on participating in the hearing process. This has helped staff better prepare to accommodate all those that wish to provide their comments, other than via email. I will be sending a follow-up email providing information on how this be achieved and a link for those that will be participating via the virtual method. There are a large number of "in-person" participants, so staff is preparing a plan on how this will be executed and the best way possible to stay in keeping with COVID measures. I thank you for your patience as staff confirms these steps. I hope to have this information by Monday/Tuesday. Again, thank you for your patience.

I also wanted to remind you know that all correspondence received, up until to 2:00 p.m. today, was provided in the staff's report to the Development Review Board. You may still send me additional correspondence that will be provided to the DRB on the day of the hearing. You may also provide your comments directly to the DRB through this link: [City of Scottsdale - Development Review Board - Public Comment \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/city-development-review-board-public-comment).

Below you will find a link to the DRB Agenda, which contains staff's report (Item No. 6).

Link to 8-19-2021 DRB Hearing Agenda: [SCOTTSDALE \(scottsdaleaz.gov\)](https://scottsdaleaz.gov/scottsdale)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**
Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

The file is rather large due to the inclusion of all received correspondences.

The meeting will be held on Thursday, August 19, 2021, at 1:00 p.m., in the City of Scottsdale Kiva Building (please see inserted map below my signature). Again, staff will provide a link for the virtual meeting, and I will forward that link to this group. I will also be providing instructions for those that will be attending in person. Please see below my signature for the location of the hearing (area in red) and some possible places to park (area in yellow).

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo

Senior Planner

City of Scottsdale

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, AZ 85251

Phone: 480-312-7849

Fax: 480-312-9037

Get informed!



The red area is the Kiva Building, the yellow area is the parking areas, and the yellow dashed-lines are possible paths to the Kiva Building.



Murillo, Jesus

From: Murphy, Bill
Sent: Saturday, August 14, 2021 1:18 AM
To: Murillo, Jesus
Subject: FW: DC Ranch Arcadia Neighborhood

Here you go

From: Elizabeth Kepuraitis <elizkep@gmail.com>
Sent: Friday, August 13, 2021 10:33 AM
To: Murphy, Bill <bmurphy@Scottsdaleaz.Gov>
Subject: DC Ranch Arcadia Neighborhood

 **External Email: Please use caution if opening links or attachments!**

Mr. Bill Murphy
Assistant City Manager
Scottsdale AZ

My name is Elizabeth Kepuraitis. I have been a resident of DC Ranch in Scottsdale AZ since 2001. I am very active in my community, and I have served in several volunteer positions including the DC Ranch Association Budget & Finance Committee, Modification Committee, and Ranch Association Board. I was Ranch Association Board President for two years as well. DC Ranch is a beautiful community.

I am well aware of the very difficult situation of the sissoo trees in the Arcadia neighborhood of DC Ranch.

The sissoo trees were planted by the developer, DMB, prior to Ranch Association or resident involvement. Sadly, the trees are damaging to homes and surrounding infrastructure. No one wants to remove a single tree, but in this case, removal and replacement with a suitable tree would seem to be the only responsible course of action, and time is of the essence.

At times like this, it is common to hear primarily from the opponents of a matter. As you may know, Arcadia residents represent less than 5% of DC Ranch Residents. DC Ranch residents rely on the Ranch Association to properly manage these matters.

I wish to communicate to you that I, as a resident of DC Ranch in Scottsdale Arizona, am in favor of the tree remediation plan proposed by the DC Ranch Association and its Board.

Elizabeth Kepuraitis
8882 E. Flathorn Dr
Scottsdale AZ 85255
602.509.6289

Murillo, Jesus

From: Del Gatto, Brian <Brian.DelGatto@wilsonelser.com>
Sent: Friday, August 13, 2021 1:09 PM
To: Murillo, Jesus; Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Thank you for the work and consideration on this matter. Below are some thoughts from myself as an owner. Many of these have been previously stated by others so excuse any repetitiveness.

The simplest way to explain this is that the current and former HOA leaders seek to protect themselves from liability for prior failures to maintain the trees and the roots by seeking replacement.

It has never been denied that the HOA in the form of the board has known about the roots for 6-8 years and didn't do anything to mitigate root growth regardless of the tree type.

It's not controverted that to rip out the tree will disrupt the quiet enjoyment of the community, reduce property values and injure the environment.

Allowing it only allows the HOA to punt on the issue for next 15 years. All trees have roots. Some more than others.

The HOA rules should govern here and the City should take into account the desires of the community as paramount.

All of the owners or almost all bought into the community BC of the landscape and trees and avian species and the character of it all.

The legal position of the board simply is not tenable. We don't even know IF the board has ever paid a property owner or tried to work on root damage.

Not to mention the trees are on PRIVATE property (illegal taking?)

Nor has the HOA ever raised the idea that to comply with its governing rules Arcadia owners have to pay say \$20 each more or a month in fees to address root maintenance issues. I am sure every owner would gladly pay that... 125 x \$240 = 30,000 a year that could be used to offset any root mitigation costs.

If the HOA gets what it wants each owner has to pay 20K... that's 2.5 million dollars.... Surely all the trees and roots can be maintained properly for a very long time without replacement for a heck of a lot less.

It also is untrue that the neighborhood favors tree replacement.. about 75 % of the owners want the trees kept and the HOA to follow its rules.

The HOA must do what its tasked to do maintain the trees and address any owners needs as far as roots are concerned. Anything needed comes out of the HOA fees all Arcadia owners pay. That's normal and root mainatnce should be no different. A root mitigation plan is a sensible beginning. In fact the board has done that with the park trees.

The community has tried mightily to have the board do the right thing and now the only body that can stop it short of a court battle is the City.

Thank you considering my comments. I could go on in more detail but I have reviewed everything else submitted and think the decision is pretty easy denial.

Brian Del Gatto

Partner

NY/CT/AZ/WA admitted

Wilson Elser LLP

914-584-9187(c)

www.wilsonelser.com

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From: Murillo, Jesus [mailto:JMurillo@ScottsdaleAz.Gov]

Sent: Thursday, August 12, 2021 9:21 PM

To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>

Cc: Carr, Brad <bcarr@scottsdaleaz.gov>

Subject: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

[EXTERNAL EMAIL]

Good Afternoon Everyone,

Once again, I wanted to mention that you are receiving this email because you have expressed interest in the above-mentioned case.

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patience as staff confirms these steps. I hope to have this information by Monday/Tuesday. Again, thank you for your patience.

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Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

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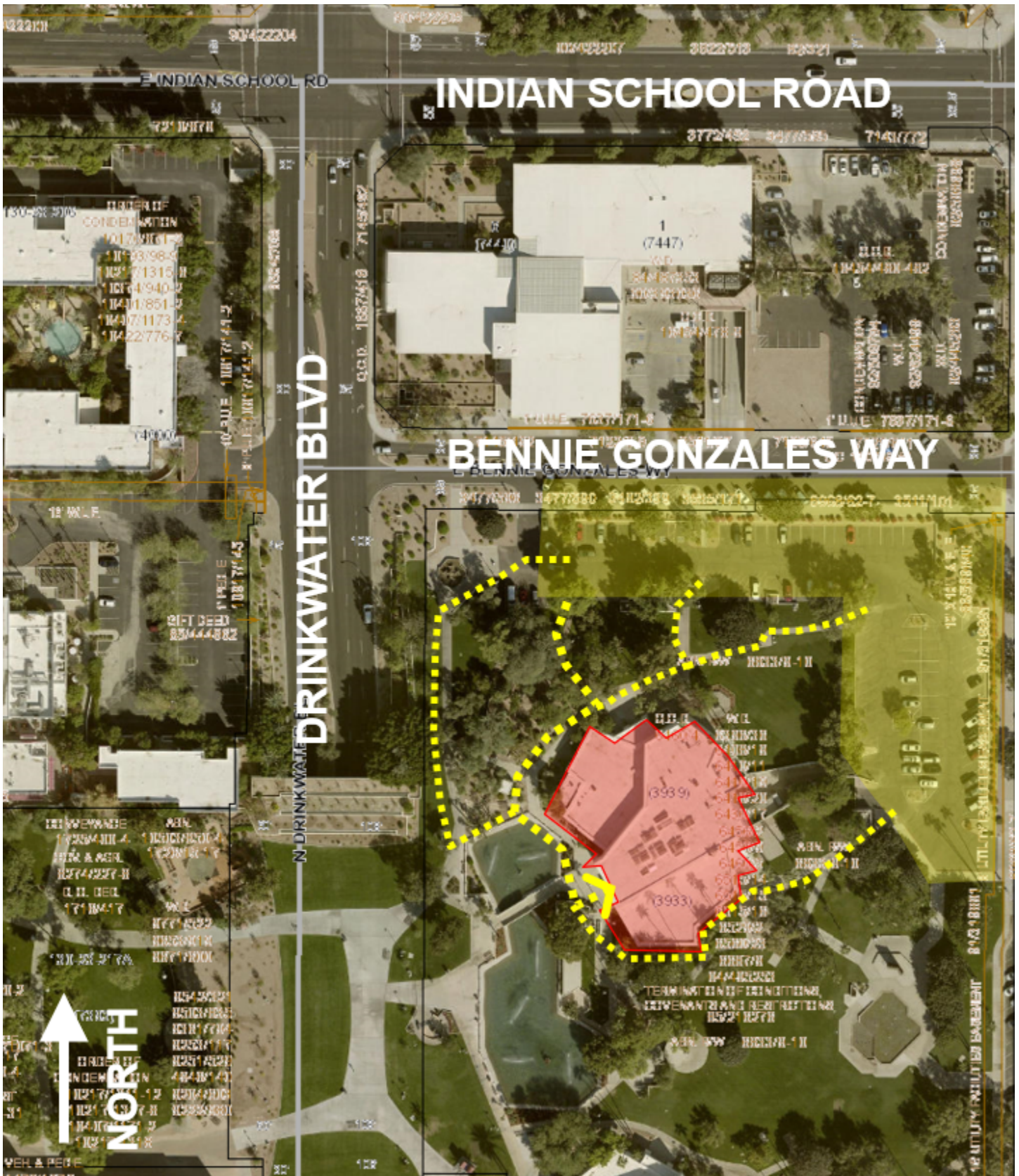
Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!



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delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at www.wilsonelser.com or refer to any of our offices.

Thank you.

Murillo, Jesus

From: Kuester, Kelli
Sent: Friday, August 13, 2021 11:02 AM
To: Elizabeth Kepuraitis
Cc: City Manager Mailbox; Murillo, Jesus
Subject: RE: DC Ranch Arcadia Neighborhood

Hello Ms. Kepuraitis,

Please allow me to acknowledge receipt of your email on behalf of the City Manager. Senior Planner Jesus Murillo is copied on this email and will make sure your comments are included in the case file.

Kelli Kuester

Exec Asst to City Manager | City of Scottsdale
480.312.2850 kkuester@scottsdaleaz.gov

From: Elizabeth Kepuraitis <elizkep@gmail.com>
Sent: Friday, August 13, 2021 10:29 AM
To: City Manager Mailbox <citymanager@Scottsdaleaz.gov>
Subject: Fwd: DC Ranch Arcadia Neighborhood

 **External Email: Please use caution if opening links or attachments!**

Mr. Jim Thompson
City Manager, Scottsdale AZ

My name is Elizabeth Kepuraitis. I have been a resident of DC Ranch in Scottsdale AZ since 2001. I am very active in my community, and I have served in several volunteer positions including the DC Ranch Association Budget & Finance Committee, Modification Committee, and Ranch Association Board. I was Ranch Association Board President for two years as well. DC Ranch is a beautiful community.

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Elizabeth Kepuraitis
8882 E. Flathorn Dr
Scottsdale AZ 85255
602.509.6289

Murillo, Jesus

From: Elizabeth Kepuraitis <elizkep@gmail.com>
Sent: Friday, August 13, 2021 10:27 AM
To: Murillo, Jesus
Subject: DC Ranch Arcadia Neighborhood

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Hello Mr. Murillo,

My name is Elizabeth Kepuraitis. I have been a resident of DC Ranch in Scottsdale AZ since 2001. I am very active in my community, and I have served in several volunteer positions including the DC Ranch Association Budget & Finance Committee, Modification Committee, and Ranch Association Board. I was Ranch Association Board President for two years as well. DC Ranch is a beautiful community.

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Cc: Carr, Brad
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Jesus,

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learned that was false - Verrado engaged DLC Resources to maintain their Sissoo trees and they were not replacing them all. We subsequently interviewed multiple landscape companies that said the trees could absolutely be maintained as well as arborists. We also interviewed experts in Ground Penetrating Radar and other technologies that might also help those concerned with a maintenance plan with regard to monitoring the roots and addressing them prior to any significant damage.

I strongly believe the proposals, neighborhood committee, biased surveys (with no option for keeping the trees) developed to get a specific outcome were all an effort to make the case to the City that this is the only option when they knew and know there are others (we know Verrado is successfully implementing a maintenance plan, Ground Penetrating Radar has proven very effective at maintaining tree roots, root barriers, watering, etc. all have proven successful at maintaining these roots). **Please remember that I'm not an ignorant homeowner with regard to this issue - I owned a company that sold Sissoo's in 1 gallon, 5 gallon, 15 gallon, 24" box, 36" box, 48" box and 60" box sizes throughout southern California and Arizona.** We supplied trees to Lowes and Home Depot in Arizona as well as other tree companies and nurseries.

Last, I want to refer you to the HOA's own renderings. To suggest this won't be disruptive and have huge consequences in our neighborhood is disingenuous at best. Even after five years, the neighborhood won't look anything close to what it does today. See below:

[Current as January 2020 - even bigger/better now]



[Rendering by Collectiv after 5 years]



Please note that I'm available to discuss all of this with you and would love the opportunity to tell you more.

Thanks,

Blake Miraglia

20343 N Hayden Rd Ste 105-333

Scottsdale, AZ 85255

760-272-5606

blake.miraglia@gmail.com

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to this e-mail message or by telephone at (760) 272-5606 and delete the message and any attachments from your system. Thank you.

On Thu, Aug 12, 2021 at 6:20 PM Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Good Afternoon Everyone,

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Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo

Senior Planner

City of Scottsdale

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, AZ 85251

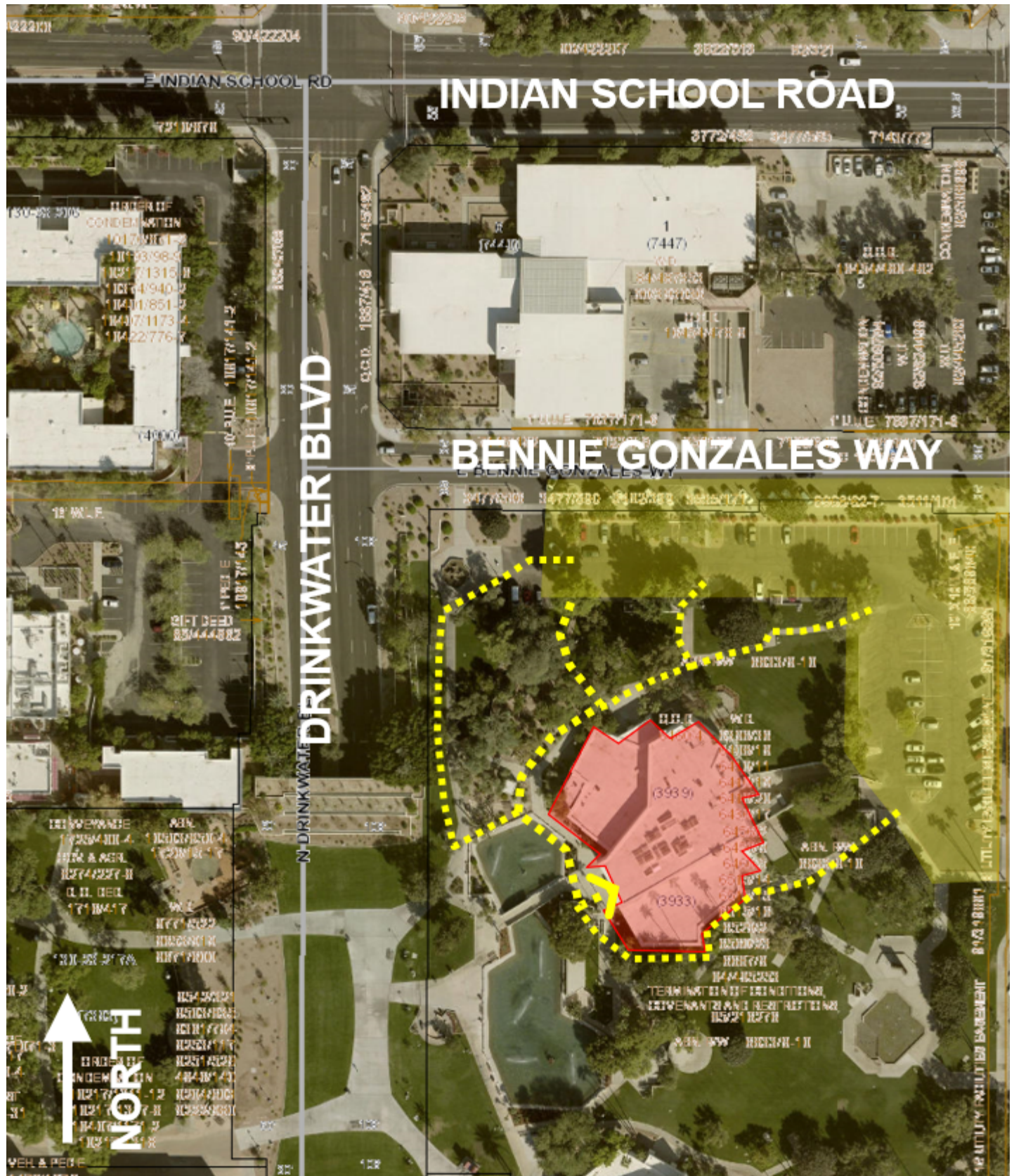
Phone: 480-312-7849

Fax: 480-312-9037

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Murillo, Jesus

From: Murillo, Jesus
Sent: Friday, August 13, 2021 8:16 AM
To: Wayne Goshkarian; City Council; Development Review Board
Subject: RE: DC Ranch Silverleaf Arcadia

Hello Wayne,

Thank you for your comments. I wanted to acknowledge receipt of the communication, and confirm you included the DRB and City Council. This email will also be provided to the DRB on the day of the hearing.

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús

From: Wayne Goshkarian <wayne@dylanconsulting.com>
Sent: Friday, August 13, 2021 5:56 AM
To: City Council <CityCouncil@scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: DC Ranch Silverleaf Arcadia

⚠ External Email: Please use caution if opening links or attachments!

I am writing to today as a concern homeowner and resident of Scottsdale. I feel, that looking at the facts, the DC Ranch Association is in a rush to rip down these trees, when there are many alternative solutions to the problem. When I see this I ask the question? What is the motivation driving this?

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I feel as a homeowner, we are getting railroaded by the HOA to rip out these trees. When a homeowner comes to this community, I have to pay a 1/2% transfer fee on each sale and purchase. Then pay monthly HOA fees. I sold my house and purchased another one, I had \$32,000 in fees. This effort to rip down these trees is a easy way for them to address this issue and just pass the bill to the homeowner.

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Wayne Goshkarian, President
Dylan Consulting, LLC
15290 N 78th Way #B-202
Scottsdale, Az 85260
Mobile: 602-312-6488

Office: 480-625-0469

Web: www.dylanconsulting.com

Email: wayne@dylanconsulting.com

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Murillo, Jesus

From: Murillo, Jesus
Sent: Friday, August 13, 2021 8:14 AM
To: DANA WOUDENBERG
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Hello Dana,

Thank you for your response. I will also update you after the hearing.

Sincerely,

Jesús

From: DANA WOUDENBERG <dana@tsraz.com>
Sent: Friday, August 13, 2021 7:59 AM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Mr. Murillo

Thank you for contacting me regarding the meeting. We are well aware of this meeting, and while my wife and I are out of town, there will be a strong contingent of our pro trees neighbors attending.

We will get full feedback from them post meeting!

Thanks again,

Dana Woudenberg

On Aug 12, 2021, at 6:20 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

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Report: https://link.edgepilot.com/s/717ac09d/T5VyUyOAYE_VL8eCw9bfoA?u=https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

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City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

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Murillo, Jesus

From: DANA WOUDENBERG <dana@tsraz.com>
Sent: Friday, August 13, 2021 7:59 AM
To: Murillo, Jesus
Cc: Carr, Brad
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Thanks again,

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Murillo, Jesus

From: Wayne Goshkarian <wayne@dylanconsulting.com>
Sent: Friday, August 13, 2021 5:56 AM
To: City Council; Development Review Board; Murillo, Jesus
Subject: DC Ranch Silverleaf Arcadia

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I am writing to today as a concern homeowner and resident of Scottsdale. I feel, that looking at the facts, the DC Ranch Association is in a rush to rip down these trees, when there are many alternative solutions to the problem. When I see this I ask the question? What is the motivation driving this?

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Web: www.dylanconsulting.com
Email: wayne@dylanconsulting.com

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Murillo, Jesus

From: Amanda <amandasabean@gmail.com>
Sent: Thursday, August 12, 2021 7:05 PM
To: Murillo, Jesus
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

My pleasure and thanks so much.

Sorry for any misspellings, sent from my iPhone

On Aug 12, 2021, at 6:58 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Hello Amanda and Brian,

It is my pleasure. I will be sending a "next steps" for attending the meeting. Thank you again for letting me know in advance of your plan to attend in-person. This helps me greatly.

Sincerely,

Jesús

From: Amanda <amandasabean@gmail.com>
Sent: Thursday, August 12, 2021 6:56 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Hello Jesus,

Thank you again for your correspondence. My husband Brian and I plan on attending the meeting in person.

Thank you very much.

Sincerely,

Amanda and Brian Sabean

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Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Jesús

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Sent: Thursday, August 12, 2021 6:56 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Hello Jesus,

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Thank you very much.

Sincerely,

Amanda and Brian Sabea

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Murillo, Jesus

From: Murillo, Jesus
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To: Amanda; City Council
Cc: Development Review Board
Subject: RE: Arcadia Sissoos

Hello Mrs. and Mr. Sabean,

Thank you for your email. I wanted to acknowledge receipt of the communication, and confirm you included the DRB and City Council. It will also be provided to the DRB on the day of the hearing.

Sincerely,

Jesús

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From: Amanda <amandasabean@gmail.com>
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To: City Council <CityCouncil@scottsdaleaz.gov>; Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Subject: Arcadia Sissoos

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To whom it may concern,

My husband and I are writing in support of keeping our 670 beautiful Sissoo trees in Arcadia at Silverleaf. We purchased our lot in 2016 after falling in love with our tree lined neighborhood. (Moved in in 2018). Such a unique, beautiful enclave within the desert. Our goal was to have a family friendly beautiful neighborhood for our 2 boys to grow up in. They are currently 9 & 12... They play catch in the neighborhood parks, ride their bikes around the neighborhood and are able to do this because of the tremendous shade our beautiful mature trees provide to our neighborhood.

When I first learned of this issue, I was quite disturbed that this was never mentioned during our build. Taking these trees away takes away the character of our neighborhood, among so many other valuable reasons they provide... Not only does the shade provide a much needed relief to the residents, but also all of the many animals that reside in our neighborhood. We have great horned owls, many species of birds, bobcats, etc. It's confusing to me that we purchased our home, but didn't seem to have a say in whether or not we can keep the trees on our own lot. Particularly when the vast majority of residents also want to keep them. My family just returned from a trip back East where there were hundreds year old oak trees lining neighborhood streets.... They were absolutely magnificent and treasured and respected by residents. They had tremendous roots, which is expected from a mature tree. To just rip out and destroy 670 trees feels irresponsible on so many levels.

Please, please, please save our trees.

Sincerely,
Amanda and Brian Sabean
19025 N 99th St
Scottsdale, AZ 85255

Sorry for any misspellings, sent from my iPhone

Murillo, Jesus

From: Amanda <amandasabea@gmail.com>
Sent: Thursday, August 12, 2021 6:56 PM
To: Murillo, Jesus
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Hello Jesus,

Thank you again for your correspondence. My husband Brian and I plan on attending the meeting in person.

Thank you very much.

Sincerely,

Amanda and Brian Sabea

Sorry for any misspellings, sent from my iPhone

On Aug 12, 2021, at 6:20 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

Good Afternoon Everyone,

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Link to 8-19-2021 DRB Hearing Agenda: [SCOTTSDALE \(scottsdaleaz.gov\)](https://www.scottsdaleaz.gov/scottsdale)

Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**

Report: https://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_6_DR_2021.pdf

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Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!

<image001.png>

<image002.png>

<image003.png>

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<image004.png>

Murillo, Jesus

From: Amanda <amandasabean@gmail.com>
Sent: Thursday, August 12, 2021 6:54 PM
To: City Council; Murillo, Jesus
Cc: Development Review Board
Subject: Arcadia Sissoos

⚠ External Email: Please use caution if opening links or attachments!

To whom it may concern,

My husband and I are writing in support of keeping our 670 beautiful Sissoo trees in Arcadia at Silverleaf. We purchased our lot in 2016 after falling in love with our tree lined neighborhood. (Moved in in 2018). Such a unique, beautiful enclave within the desert. Our goal was to have a family friendly beautiful neighborhood for our 2 boys to grow up in. They are currently 9 & 12... They play catch in the neighborhood parks, ride their bikes around the neighborhood and are able to do this because of the tremendous shade our beautiful mature trees provide to our neighborhood.

When I first learned of this issue, I was quite disturbed that this was never mentioned during our build. Taking these trees away takes away the character of our neighborhood, among so many other valuable reasons they provide... Not only does the shade provide a much needed relief to the residents, but also all of the many animals that reside in our neighborhood. We have great horned owls, many species of birds, bobcats, etc. It's confusing to me that we purchased our home, but didn't seem to have a say in whether or not we can keep the trees on our own lot. Particularly when the vast majority of residents also want to keep them. My family just returned from a trip back East where there were hundreds year old oak trees lining neighborhood streets.... They were absolutely magnificent and treasured and respected by residents. They had tremendous roots, which is expected from a mature tree. To just rip out and destroy 670 trees feels irresponsible on so many levels.

Please, please, please save our trees.

Sincerely,
Amanda and Brian Sabean
19025 N 99th St
Scottsdale, AZ 85255

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Murillo, Jesus

From: Murillo, Jesus
Sent: Thursday, August 12, 2021 6:50 PM
To: Ray Lucchesi
Cc: Carr, Brad
Subject: RE: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

Thank you – I will send the follow-up email soon.

From: Ray Lucchesi <raylucchesi1@gmail.com>
Sent: Thursday, August 12, 2021 6:28 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Carr, Brad <bcarr@scottsdaleaz.gov>
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

⚠ External Email: Please use caution if opening links or attachments!

Hi Jesus. Thank you for the information and updates. Very helpful.

I will attend in person along with two others.

Thanks again.
Ray

On Aug 12, 2021, at 6:20 PM, Murillo, Jesus <JMurillo@scottsdaleaz.gov> wrote:

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Link to **Agenda Item No. 6 (6-DR-2021 – DC Ranch Parcel T7 (Arcadia) – Sisso Tree Removal)**

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Please feel free to contact me with any further questions or comments.

Sincerely,

Jesús Murillo
Senior Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road, Ste. 105
Scottsdale, AZ 85251
Phone: 480-312-7849
Fax: 480-312-9037

Get informed!

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[!\[\]\(9c2e8d1b5bd77cb5c9f83b7a9cff79fd_img.jpg\)](#)

[!\[\]\(e3275251d0893157c3584e20c81dc3ba_img.jpg\)](#)

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[!\[\]\(f1c5da15572e3e09d343161be98f508d_img.jpg\)](#)

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From: Ray Lucchesi <raylucchesi1@gmail.com>
Sent: Thursday, August 12, 2021 6:28 PM
To: Murillo, Jesus
Cc: Carr, Brad
Subject: Re: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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Hi Jesus. Thank you for the information and updates. Very helpful.

I will attend in person along with two others.

Thanks again.
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<image004.png>

Murillo, Jesus

From: Murillo, Jesus
Sent: Thursday, August 12, 2021 6:21 PM
To: Murillo, Jesus
Cc: Carr, Brad
Subject: 6-DR-2021 - Sisso Tree Removal (6-DR-2021 - DC Ranch Arcadia)

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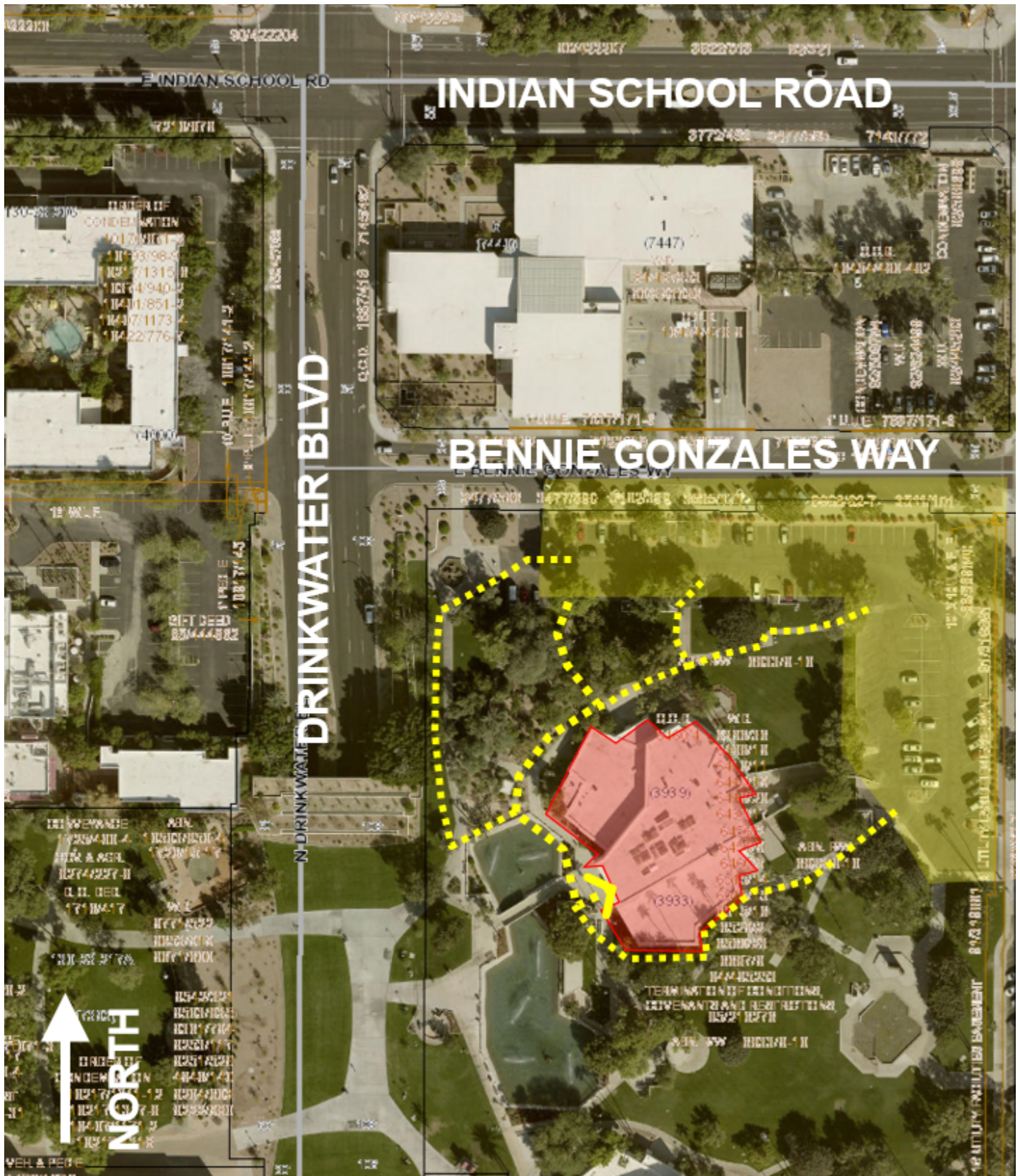
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Murillo, Jesus

From: Murillo, Jesus
Sent: Thursday, August 12, 2021 5:44 PM
To: pia morrow; La Porte, Tom ; Development Review Board
Subject: RE: Response to DC Ranch Association's Aug 6th Letter of Rebuttal

Hello Mrs. and Mr. Morrow,

I wanted to thank you for your providing your comments. Your comments were past the deadline to be able to be included in the staff's report to the DRB. Although I see that you included the DRB in your correspondence, I wanted you to know that they will still be provided to the DRB, on the dias, the day of the hearing.

More information on the format of the hearing will be provided very soon.

Sincerely,

Jesús

From: pia morrow <piamorrow@gmail.com>
Sent: Thursday, August 12, 2021 5:33 PM
To: La Porte, Tom <laportet@stifel.com>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>
Cc: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Re: Response to DC Ranch Association's Aug 6th Letter of Rebuttal

 **External Email: Please use caution if opening links or attachments!**

We accept the Response to the DC Ranch Association's Aug 6th Letter of Rebuttal.

Thank you,
Pia and Dean Morrow
18967 N 97th Place
Scottsdale, AZ 85255
Lot #3713

From: "La Porte, Tom" <laportet@stifel.com>
Date: Thursday, August 12, 2021 at 8:16 AM
To: "DevelopmentReviewBoard@ScottsdaleAZ.gov" <DevelopmentReviewBoard@ScottsdaleAZ.gov>
Cc: "Murillo, Jesus" <JMurillo@ScottsdaleAz.Gov>
Subject: Response to DC Ranch Association's Aug 6th Letter of Rebuttal

Please accept our Response to the DC Ranch Association's Aug 6th Letter of Rebuttal. The Response is numbered in the exact same order as the Association's letter and refutes many of their misleading and untruthful rebuttal points.

Thank you.

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell

(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com

2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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www.Rule2Advisors.com

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Murillo, Jesus

From: Murillo, Jesus
Sent: Thursday, August 12, 2021 3:55 PM
To: rrandall14@cox.net; City Manager Mailbox; Stockwell, Brent; Murphy, Bill
Cc: 'Stephen Koven'
Subject: RE: Arcadia Sissoo Trees

Hello Mr. Randall,

Thank you for your comments. I see that you included the Development Review Board in your communication, but I wanted you to know your comments will also be included in the staff's report to the DRB.

Sincerely,

Jesús

From: rrandall14@cox.net <rrandall14@cox.net>
Sent: Thursday, August 12, 2021 1:39 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>; City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Murphy, Bill <bmurphy@Scottsdaleaz.Gov>
Cc: 'Stephen Koven' <Stephen.Koven@dcranchinc.com>; 'Rick Randall' <rrandall14@cox.net>
Subject: Arcadia Sissoo Trees

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Good morning,

I am one of the Arcadia homeowners supporting the removal of the Sissoo trees in our development. I am not sure if any other home owners have experienced property damage to the extent we have, but my wife and I would appreciate expedited removal of these damaging weeds in our yard. The Sissoo trees have been a tremendous unexpected expense. This doesn't include the amount we are being asked to pay the association to replace the trees we did not plant in the first place.

We strongly feel that DMB should be responsible but we also understand that the legal battle will cost more than replacing the trees. Based on our experience with our courts, we expect to lose to DMBs legal budget. These days we find ourselves arguing with our government leaders instead of the builders and contractors responsible for the issues we face. I really have no idea why the city is even involved in our association dispute related to trees damaging our personal property. It is adding an unnecessary layer of bureaucracy to an already ridiculous situation the Arcadia home owners are finding themselves in. In any normal situation, if a tree damages your property, you can remove it. For some ridiculous reason these weeds are protected.

I have included images of the tremendous root structure and some images of damage. I regret that I did not take more photos but you can get the sense of the damage from the images shown.

I would like to ask that the city supports our effort to remove and replace our trees as soon as possible before I find myself replacing driveways, lawn and all irrigation systems a second time. Maybe you can also address the environmentally wasteful mandate that we must have real grass in our yards. This should be addressed for water conservation. It would also eliminate a water source for the damaging sissoo trees.

Kind Regards,

Rick Randall
480-229-0884

Murillo, Jesus

From: rrandall14@cox.net
Sent: Thursday, August 12, 2021 1:39 PM
To: Murillo, Jesus; City Manager Mailbox; Stockwell, Brent; Murphy, Bill
Cc: 'Stephen Koven'; 'Rick Randall'
Subject: Arcadia Sissoo Trees
Attachments: Randall landscape repair cost.xlsx; 19338 Sissoo damage slides.pptx

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Kind Regards,

Rick Randall
480-229-0884

Sissoo Damage landscape repair	Cost
Demo plants Inclusive of:_removing 30-40 large, existing plants against house,	\$1,804.00
Demo Large Trees (5qty) diseased including the trees along driveway and other Palo	\$3,974.00
Demo existing grass Inclusive of:_removing approx 1,900 sq ft of existing grass 4" inches below grade to minimize new growth and not competing with new bermuda grass. Includes removing all existing underground PVC	\$3,641.00
New Rolled Sod	\$2,150.00
New Drip System Inclusive of:_installing a new drip irrigation system to be ran throughout the front yard and includes all new underground valves.	\$4,412.00
New Sprinkler System for grass Inclusive of:_installing a new sprinkler system for the new grass areas which will include new valves, PVC piping and pop-ups	\$3,215.00
Material delivery	\$365.00
Paver border around new grass area	\$1,890.00
Install replacement trees	\$2,480.00
Remove and replace paver drive Includes removal of Sissoo roots	\$4,000.00
Tree Allowance (1qty) Jacaranda	\$905.00
Plant Allowance (120qty) (1 gallon plants)	\$2,640.00
Plant Allowance (100qty) (5 gallon plants)	\$4,205.00
Plant Allowance (20qty) (15 gallon plants)	\$1,490.00
Additional Grading in grass due to Sisso Roots Inclusive of:_removing 12 tons of additional dirt and using the jackhammer to cut Sisso roots	\$1,250.00
DC Ranch Association fee	\$300.00
Madison Gold .5" Rock to finish landscape	\$1,425.00
Remove small boulders throughout property	\$805.00
Powder coated planter box	\$890.00
	\$41,841.00

RESPONSE to DC RANCH ASSOCIATION's Aug 6th LETTER of REBUTTAL

- 1) The Association admits that they have an "obligation" to maintain the Street Trees. So why haven't they? They have done virtually no maintenance on the Trees in almost twenty years. Only after they decided to apply to remove the Street Trees did they decide to do minor root maintenance in the streets for the first time in the neighborhood's history. The Association did very little research and turned a deaf ear to the community as evidenced by the fact that a recent petition opposing the Association's application to remove 2/3 of the neighborhood's trees garnered the support of 73 of 123 lot owners. The Association has refused to do a professional survey of the trees; therefore, they cannot identify which trees are a danger currently or will be in the future. Consequently, they cannot assess the amount of the current or future damages they attribute to the trees.
- 2) The Association's plan fails to address many of the issues raised by the residents and the City's Planning and Development Department. The replacement tree can also have an aggressive root structure and based on past performance the residents cannot rely on the Association to perform the required maintenance on the replacement trees in the future.
- 3) The Association refused an in person, town hall style meeting, where supporting documentation could have been presented by the residents, the Association opted in favor of a tightly controlled Zoom meeting where participation was not open nor was it accommodating. The Association's director, Darren Shaw announced that the Association had the right to remove any trees they wanted, and City approval was not needed. Only after a resident contacted the City did the Association file the necessary application. Another example of the Association's incompetence and negligence.
- 4) The "experts" cited by the Association have been limited to one or two contractors that it is believed have had a previous relationships with Shaw. Without a ground penetrating radar survey there is no proof that the trees are causing or threatening damage to any underground assets. These are undocumented scare tactics employed by the Association. The fact is, that any issues we have are not Sissoo tree issues they are BIG Tree issues that could be caused by any tree species.
- 5) Arcadia is not truly self-governed. It is part of a master association of over 2500 homes of which the Board is not popularly elected. The neighborhood committee was essentially hand-picked by the Association. To my knowledge, there was no popular election by the community.
- 6) The statement was not false. The Association did not conduct an Open House. They conducted a tightly controlled Zoom meeting where it was impossible to submit visual aids. The meeting was conducted on a short fuse and not widely publicized.
- 7) The meeting was a 1 hour commercial promoting the Association's position that was long on hyperbole and short on facts. Not what the City requested they do.
- 8) The real issue here, is that because the Association has been derelict in doing the required maintenance on the trees, the cost of deferred maintenance could be significant, so they

concocted the “bad Sissoo Tree” story to avoid that cost and transfer it to the homeowners in the form of an assessment for removing the trees.

- 9) The pace of construction has very little to do with the growth of the trees, except for the fact, that the developer nor the Association installed a deep watering system recommended by experts.
- 10) The Association has not to date shown documentation of these discussions.
- 11) This statement is blatantly and demonstrably false. The trees do not have the recommended watering system, are not thinned for monsoon system, have not been treated for fungus that infects a number of trees, dead trees have not been removed and, only recently was any serious root maintenance attempted.
- 12) The recent root maintenance done in the streets was a stunt to look proactive to enhance the prospect of getting their application approved by the City. The maintenance did prove that the roots, were for the most part, small and not the threatening tentacled monsters the Association portrays them to be.
- 13) At first the Association did not realize the chosen replacement tree was not approved for the community. Just another example of their proven incompetence and negligence.
- 14) The point is, that the height of a 48” box tree means nothing without knowing how old the tree is. It could be 4’ tall or 10’ tall. Finding 670, 30’ 48” box trees will be a very tall order and highly improbable.
- 15) A search is a search and the fact appears to be that the Elm should not be planted in a restricted area as the Association intends.
- 16) This again shows the incompetence and negligence of the Association. In spite of the warning about the Elm they attend to do nothing different than they did with the Sissoos. We all know what we call doing the same thing over and over and expecting a different result.
- 17) Originally, the Association was proposing to remove all the trees, but determined that sparing the park trees for now would improve their chance of City approval. The Association promised to install the root barriers in May, but has yet to do it. Another failure to do the proper root maintenance and yet another failure to be truthful.
- 18) The size of tree is no proof of maintenance. Many trees have a fungus that the Association was unaware of until a resident paid for an arborist to do a soil analysis. Once again the Association has displayed its incompetence and negligence.
- 19) What does Surfside, Florida have in common with the Arcadia Sissoo tree issue? It is incomprehensible that the Association would stoop to trying to politicize a tragic event where many lives were lost to support their irresponsible plan to deforest Arcadia. Despicable!
- 20) This statement is a perfect example of the “blinders on,” tone deaf approach the Association has taken regarding this issue. A singular focus on only the potential damage the roots MAY cause and no consideration for the actual damage the removal of the trees WILL cause. It is indisputable that the temperature will increase in the neighborhood eliminating the unique micro climate, the shade canopy will be destroyed, the cost and use of energy will increase, property values and the tax base will decline, wildlife will be disturbed and the resident’s quality of life will diminish. But the Association did not take any of these facts into consideration. All they can see are the roots. One has to wonder what is really motivating their decision.

Murillo, Jesus

From: Castro, Lorraine
Sent: Thursday, August 12, 2021 8:27 AM
To: Murillo, Jesus
Subject: FW: Reference case 6-DR-2021

From: Cindy Clayton <cindy0559@gmail.com>
Sent: Wednesday, August 11, 2021 3:11 PM
Subject: Reference case 6-DR-2021

⚠ External Email: Please use caution if opening links or attachments!

To Whom It May Concern,

Hello, we are residents in the beautiful neighborhood of Arcadia at Silverleaf in DC Ranch. We are one of the majority of lot owners that absolutely oppose the removal of 670 of our Sissou trees that line our streets.

This issue has been very disconcerting to us as the DC Ranch Association and DMB basically decided that these trees need to be removed because of root damage that they may cause, and want to take no responsibility for. The issue of the Sissou trees was never disclosed by the association/DMB and now they unilaterally want to take our beautiful trees down to avoid any liability. This is not the kind of association that we were expecting. When you are part of a neighborhood like ours, you expect the association that you pay your dues to, to work with you to find the best solution to a problem. There are other ways to handle this that have been presented, that they have chosen to basically ignore. Plus, tearing down the trees brings on a whole new set of issues.

Let us start by saying that we love our neighborhood. Part of the reason we fell in love with the neighborhood were the trees and common park areas. We love the shade, we love to walk, we love the aesthetic, and we love being a part of this community. Taking down the trees will change the whole look and feel of a neighborhood that we all love. This is not the kind of issue we were expecting and couldn't have imagined. To potentially be assessed for an issue that was knowingly created by DMB and knowingly kept from us is unthinkable. And again, we must stress that part of the reason we moved to Arcadia was for our beautiful trees.

Please, we are asking the city to consider the signed petition and letters being sent. We completely are against removing the Sissou trees and ask that you really consider our petition and the majority of homeowners that want to keep our neighborhood in tact.

Thank you for your time in this important matter. We greatly appreciate it!

Cindy and Marshall Clayton
18903 North 98th Way, Scottsdale, AZ 85255
Lot 3693

Murillo, Jesus

From: La Porte, Tom <laportet@stifel.com>
Sent: Thursday, August 12, 2021 8:16 AM
To: Development Review Board
Cc: Murillo, Jesus
Subject: Response to DC Ranch Association's Aug 6th Letter of Rebuttal
Attachments: RESPONSE to DC RANCH ASSOCIATION - Updated.docx

⚠ External Email: Please use caution if opening links or attachments!

Please accept our Response to the DC Ranch Association's Aug 6th Letter of Rebuttal. The Response is numbered in the exact same order as the Association's letter and refutes many of their misleading and untruthful rebuttal points.

Thank you.

Thomas La Porte

Managing Director/Investments

(602) 794-4016 direct | (602) 952-2500 main | (480) 800-2222 cell
(866) 677-5992 toll-free | (602) 952-5008 fax | laportet@stifel.com
2801 East Camelback Road, Suite 300 | Phoenix, Arizona 85016

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