



PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: MAY 26, 2004

ITEM NUMBER:

**SUBJECT: REQUEST TO RELOCATE SIDEWALK AND REMOVE THREE PARKWAY TREES –
544 & 548 BERNARD STREET**

DATE: MAY 19, 2004

FROM: PUBLIC SERVICES DEPARTMENT

PRESENTATION BY: BRUCE A. HARTLEY, MAINTENANCE SERVICES MANAGER

FOR FURTHER INFORMATION CONTACT: BRUCE A. HARTLEY, 714-754-5164

RECOMMENDATION

It is recommended that the Commission approve the requests by the property owner of 548 Bernard Street, as follows:

1. Relocate the sidewalk to the back of curb. If approved, staff recommends a condition that the property owner must gain approval from the Public Services Director prior to installation of any future improvements in the public right-of-way that is behind the relocated sidewalk.
2. Remove three City-owned parkway trees, with the requirement that the applicant replace the trees on a three-to-one ratio per the Streetscape and Median Development Standards, with a minimum of two 24-inch box-size trees be replanted at 548 Bernard Street.

BACKGROUND

The City received two letters dated 4/6/04 and 4/18/04 from Mr. John Morehart, the property owner of 548 Bernard Street requesting approval to move the sidewalk from its current location, four feet from the back of curb, to directly behind the curb, thus providing the appearance of a larger front yard for his renovation project. See Attachment 1. Mr. Morehart is the new owner of the 'Huscroft House'. He has relocated the house from TeWinkle Park to his property on Bernard Street. Due to the size of the house and the close proximity of the front entrance of the house to the sidewalk, Mr. Morehart is making the request. According to Mr. Morehart, approval of this request would allow for additional landscape to be added and give the house a more 'set back' appearance from the street.

Mr. Morehart points out in his letter, the inconsistency of existing sidewalks located along Bernard Street. Some are located at the back of curb, some are four feet from back of curb and many properties do not have sidewalk in front of them. The Engineering Division is currently designing a project that will add sidewalk along Bernard Street. Mr. Morehart's proposal to relocate the sidewalk at 548 Bernard has been reviewed and recommended for approval by Ernesto Munoz, City Engineer, subject to the Commission's consideration of the request to remove parkway trees. If the request is approved, it is requested that a

condition be placed on the property that all improvements to be placed within the City right-of-way, in back of the sidewalk, be approved by the Public Services Director in advance.

ANALYSIS

The Public Services Department is responsible for the maintenance and repair of public improvements within the City's right-of-way. A portion of this right-of-way is referred to as the "parkway" which is located between the back of curb and the adjoining property. The existing parkway width at 548 and 544 Bernard Street is eight (8) feet. The parkway in front of 548 Bernard Street is comprised of full width concrete sidewalk and two tree wells adjacent to the curb. The entire parkway surrounding the tree wells is concrete. The existing sidewalk at 544 Bernard Street, just east of 548 Bernard Street, is four feet wide and flares around a parkway tree adjacent to the curb before joining the drive approach. See Attachment 2. Attachments 3, 4, and 5 show various alternatives for relocating the sidewalk.

Mr. Morehart's proposal affects the parkway tree located in front of the neighboring property located at 544 Bernard Street. Brent Adams is the owner of that property and is supporting the removal of the tree in front of his property. See Attachment 6.

The three trees being considered for removal are City owned parkway trees. The two trees located in front of 548 Bernard Street are:

1. Carrotwood, *Cupaniopsis anacardioides*. This tree is approximately twenty feet (20') in height with a trunk diameter of approximately eleven inches (11"). The tree is in fair condition, but is exhibiting signs of decay. It is causing damage to adjacent concrete in the parkway. The Streetscape and Median Development Standards designate this species as a "problem tree species". See Attachment 7.

2. Bradford Pear, *Pyrus calleryana* 'Bradfordii'. The tree is approximately seven feet (7') in height, with a trunk diameter of an inch or less. It is a tree, which was recently planted. It is currently in poor condition, likely due to lack of adequate irrigation. This tree could be relocated, if it regained health and vigor prior to the attempt. Due to the young age and small size, it is more cost effective to replant with a new tree. This tree was planted as a 15 gallon-size tree. See Attachment 8.

The tree located in front of 544 Bernard Street is a Flame Tree, *Sterculia diversifolia*. The tree is approximately ten feet (10') in height, with a trunk diameter of approximately eleven inches (11"). It is in fair condition, with poor shape and branch structure. The tree is lifting adjacent concrete slightly. This tree is not recommended for relocation, due to its size, probable age and poor likelihood of survival if moved, due to the extensive root damage that would occur. See Attachment 9.

For any trees approved for removal, staff recommends replacement at a three to one ratio, with 1-24" box and 2-15 gallon size trees. A minimum of two of these replacement trees would be planted at 548 Bernard Street, with the remaining trees to be planted elsewhere if the new landscape plan and space can not accommodate them at that location.

ALTERNATIVES CONSIDERED

1. The Commission could deny the request to relocate the sidewalk, directing the applicant to protect the four-foot wide concrete sidewalk and to remove the existing concrete in the parkway, providing a landscaped planter area along the existing curb of four-foot in width. All trees would be protected in place. See Attachment 3.
2. The Commission could approve the request to relocate the sidewalk and authorize the removal of the existing sidewalk, parkway concrete and three trees. The applicant would be required to construct a four-foot wide concrete sidewalk adjacent to the existing curb to match the existing concrete located at 544 Bernard. See Attachment 4.
3. The Commission could approve the relocation of the sidewalk and the removal of the existing eight-foot wide sidewalk and two trees in front of 548 Bernard Street and construct a four-foot wide sidewalk adjacent to the existing curb and meander to join the existing four-foot sidewalk at 544 Bernard Street, protecting the parkway tree located at 544 Bernard Street in place. See Attachment 5.

FISCAL REVIEW

The alternatives provided result in no fiscal impact to the City. The requesting party would pay the relocation and mitigation (tree replacement) costs.

LEGAL REVIEW

No legal review is required for this item.

CONCLUSION

The request to relocate the sidewalk in front of 548 Bernard Street, if approved, would provide a sidewalk location that is more consistent with the surrounding neighborhood. Replanting the parkway trees and the landscape in front of the 'Huscroft House' will allow the property owner to create a finished project where all the elements have been designed to fit together. The added landscaped area would allow for additional shrubs and trees to be planted. It is recommended the Commission approve the request to relocate the sidewalk, subject to one condition, and authorize the removal of the existing sidewalk, parkway concrete and three trees. The applicant would be required to construct a four-foot wide concrete sidewalk adjacent to the existing curb to match the existing concrete located at 544 Bernard as depicted in Alternative #2 - Attachment 4.

Additionally, if all three trees are approved for removal, the applicant would be required to provide three twenty-four inch box-size trees, with at least two to be planted in front of the property and provide the City with six, fifteen gallon-size trees and the unplanted twenty-four inch box-size tree, to be planted elsewhere on public property.

BRUCE A. HARTLEY
Maintenance Services Manager

WILLIAM J. MORRIS
Public Services Director

- ATTACHMENTS:
- 1 [Letters \(2\) Requesting Sidewalk Relocation](#)
 - 2 [Site Plan of Existing Site Conditions](#)
 - 3 [Site Plan – Alternative #1](#)
 - 4 [Site Plan – Alternative #2](#)
 - 5 [Site Plan – Alternative #3](#)
 - 6 [Letter Supporting Tree Removal at 544 Bernard Street](#)
 - 7 [Photograph of Parkway Tree - 548 Bernard Street](#)
 - 8 [Photograph of Parkway Tree - 548 Bernard Street](#)
 - 9 [Photograph of Parkway Tree - 544 Bernard Street](#)

C: John Morehart
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